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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
FOR THE
FIFTH SESSION
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ARKANSAS,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF LITTLE ROCK,
ON MONDAY, THE FOURTH DAY OF NOVEMBER, IN THE YEAR OF OUR
LORD ONE THOUSAND EIGHT HUNDRED AND FORTY-FOUR, AND
OF THE AMERICAN INDEPENDENCE, THE SIXTY-NINTH YEAR, AND
ENDED ON FRIDAY, THE TENTH DAY OF JANUARY, ONE THOU-
SAND EIGHT HUNDRED AND FORTY-FIVE.

LITTLE ROCK:
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HOUSE OF REPRESENTATIVES.

MONDAY, *November 4th, A. D. 1844.*

This being the day fixed upon by the constitution of the State of Arkansas for the meeting of the General Assembly, and a quorum of the members of the House of Representatives appearing at the representative hall, in the State house, when the House came to order.

Mr. Collins of Crittenden, was called to the chair.

When the following gentlemen came forward, produced their certificates of election, and being sworn, took their seats as members of the House of Representatives, from their respective counties :

From	Arkansas	county,	<i>Harris Cross,</i>
"	Benton	"	<i>Alfred B. Greenwood and</i>
			<i>Robert Hubbard,</i>
"	Bradley	"	<i>Elias E. Dawdy,</i>
"	Conway	"	<i>Joseph J. Simmons and</i>
			<i>Jonathan Hardin,</i>
"	Crawford	"	<i>Abram G. Mayers,</i>
			<i>John S. Roane and</i>
			<i>William J. Duval,</i>
"	Carroll	"	<i>George E. Birney and</i>
			<i>Thomas H. Clarke,</i>
"	Clark	"	<i>Joseph Gray and</i>
			<i>William Owens,</i>
"	Crittenden	"	<i>Thomas M. Collins,</i>
"	Chicot	"	<i>Wilford Garner,</i>
"	Desha	"	<i>William H. Sutton,</i>
"	Franklin	"	<i>John D. Steele and</i>
			<i>Overton B. Alston,</i>
"	Fulton	"	<i>Lewis R. Wells,</i>
"	Green	"	<i>Geo. B. Croft and</i>
			<i>James Clarke,</i>
"	Hempstead,	"	<i>Hezekiah W. Smith and</i>
			<i>Thomas M. R. Bankhead,</i>
"	Hot Spring	"	<i>Philip S. Physick and</i>
			<i>John Shipp,</i>
"	Izard	"	<i>Thomas Riggs,</i>
"	Independence	"	<i>Benniah Bateman,</i>
			<i>Madison Clark and</i>
			<i>Mortimer W. Baltimore,</i>

From	Jefferson	county,	<i>Martin W. Dorriss,</i>
"	Jackson	"	<i>M. P. McCoy and</i>
"	Johnson	"	<i>George W. Cromwell,</i>
"	Lafayette	"	<i>James B. Willson,</i>
"	Lawrence	"	<i>William W. Floyd and</i>
"	Monroe	"	<i>John B. Brown,</i>
"	Madison	"	<i>John O. Hightower,</i>
"	Marion	"	<i>Abijah A. Simpson,</i>
"	Mississippi	"	<i>John B. Hammond and</i>
"	Newton	"	<i>William B. Marshall,</i>
"	Ouachita	"	<i>Jordan B. Lambert,</i>
"	Pulaski	"	<i>John C. Sumner,</i>
"	Pope	"	<i>Hugh C. Berry and</i>
"	Phillips	"	<i>George W. Sanders,</i>
"	Perry	"	<i>Albert R. Robinson,</i>
"	Poinsett	"	<i>William L. Ward,</i>
"	Randolph	"	<i>Martin Tackett,</i>
"	Sevier	"	<i>William Foster,</i>
"	Saline	"	<i>Charles P. Bertrand,</i>
"	Searcy	"	<i>Absalom Fowler and</i>
"	St. Francis	"	<i>Frederick W. Trapnall,</i>
"	Van Buren	"	<i>James B. Logan,</i>
"	Washington	"	<i>Elisha Burke and</i>
"	White	"	<i>Frederick B. Culver,</i>
"	Yell	"	<i>William Russell,</i>
			<i>Richmond Hall,</i>
			<i>William Mitchell and</i>
			<i>William Stubblefield,</i>
			<i>Paul R. Booker and</i>
			<i>Henry K. Brown,</i>
			<i>Charles Caldwell,</i>
			<i>Isham Hodges,</i>
			<i>Brice M. G. Blackwell and</i>
			<i>Elisha Franks,</i>
			<i>William Oliver,</i>
			<i>John Billingsly,</i>
			<i>Charles A. Miller,</i>
			<i>Isaac Strain,</i>
			<i>Thomas Willson and</i>
			<i>Lee C. Blakemore,</i>
			<i>John Cook,</i>
			<i>William J. Parks.</i>

When the chair announced that nominations for Speaker of the House were in order.

Mr. Croft of Green, nominated Mr. Caldwell of Saline.

Mr. Greenwood of Benton, nominated Mr. John S. Roane of Crawford.

No further nominations being made, the roll was called, and the following members voted for Mr. Caldwell:

Messrs. Alston, Bertrand, Bateman, Burke, Baltimore, Booker, Birney, Brown of Sevier, Collins, Cook, Croft, Clark of Carroll, Dawdy, Fowler, Foster, Franks, Gray, Hall, Hardin, Hodges, Hughes, Lambert, Owens, Parks, Physick, Riggs, Roane, Smith, Sutton, Tackett, Trapnall, Ward—32.

The members voting for Mr. Roane are, Messrs. Bankhead, Blake-more, Berry, Billingsly, Blackwell, Brown of Johnson, Caldwell, Cross, Clark of Independence, Clarke of Green, Dorris, Duval, Floyd, Greenwood, Garner, Hubbard, Hammond, Hightower, Logan, Mayers, Marshall, McCoy, Mitchell, Miller, Oliver, Russell, Sanders, Simmons, Simpson, Steele, Strain, Stubblefield, Sumner, Wilson of Johnson, Wilson of Washington—36.

Whereupon, the chair proclaimed that Mr. John S. Roane had received a majority of all the votes, and was duly elected Speaker of the House of Representatives, for the period prescribed by law.

Mr. Roane having been conducted to the chair by Messrs. Greenwood and Bertrand, was duly sworn, and entered upon the duties of his office.

The Speaker now announced that nominations were in order for principal clerk of the House.

Mr. Croft of Green, nominated Mr. Stephen S. Tucker of Little Rock.

No other nominations being made, the roll was called, and the Speaker proclaimed that Mr. Stephen S. Tucker had received the unanimous vote of the House, and was duly elected principal clerk of the House of Representatives for the term prescribed by law. Who being sworn, entered upon the discharge of the duties of his office.

The Speaker now announced that nominations for assistant clerk were in order.

Mr. Logan of Pope, nominated Mr. Alexander McKisick of Washington county.

No other nominations being made, the roll was called, and the Speaker proclaimed that Alexander McKisick had received the unanimous vote of the House, and was duly elected assistant clerk of the House for the term prescribed by law. Who being sworn entered upon the duties of his office.

Mr. Speaker announced that nominations for door keeper were in order.

Mr. Hammond of Lawrence, nominated Mr. William Triplett.

Mr. McCoy of Jackson, nominated Mr. John Beard.

Mr. Duval of Crawford, nominated Mr. John P. Willis.

Mr. Sutton of Desha, nominated Mr. Stephen Huddleston.

Mr. Wilson of Washington, nominated Mr. Joseph P. Pleasants.

Mr. Simmons of Conway, nominated Mr. James Stephenson.

Mr. Parks of Yell, nominated Mr. Sam'l S. Grafton.

Mr. Strain of Washington, nominated Mr. E. W. King.

Mr. Logan of Pope, nominated Mr. Thomas P. Morse.

No other nominations being made, the roll was called.

The members voting for Mr. Triplett are, Messrs. Alston, Burke,

Blackwell, Booker, Birney, Brown of Sevier, Collins, Cook, Clark of Independence, Dorris, Fowler, Foster, Greenwood, Gray, Hubbard, Hammond, Hightower, Hall, Hughes, Lambert, Mitchell, Olive, Owens, Physick, Riggs, Robertson, Steele, Stubblefield, Trapnall, Ward, Wells—31.

For Mr. Beard, are Messrs. Cromwell, Croft, and McCoy—3.

For Mr. Willis, are Messrs. Bertrand, Duval, Mayers, Roane, Tackett—5.

For Mr. Huddleson are Messrs. Bankhead, Bateman, Baltimore, Cross, Clark of Carroll, Clark of Green, Dawdy, Greenwood, Garner, Smith, Shipp, Sumner—12.

For Mr. Stephenson are Messrs. Caldwell, Hardin, Hodges, Marshall, Russell, Simmons—6.

For Mr. Pleasants are Messrs. Miller and Wilson of Washington—2.

For Mr. King are Messrs. Blakemore, Berry, Billingsly, Brown of Johnson, Floyd, Sanders, Strain, Sumner, Wilson of Johnson—9.

For Mr. Ward is Mr. Logan—1.

Mr. Speaker proclaimed that no one of the nominees had received a majority of all the votes, and the roll was called the second time.

The members voting for Mr. Triplett are Messrs. Alston, Bertrand, Bateman, Burke, Baltimore, Billingsly, Blackwell, Booker, Birney, Brown of Sevier, Collins, Cromwell, Cook, Culver, Clark of Independence, Dorris, Fowler, Foster, Franks, Gray, Hubbard, Hammond, Hall, Lambert, Marshall, Mitchell, Olive, Owens, Physick, Riggs, Robertson, Simpson, Steele, Stubblefield, Tackett, Trapnall, Ward, Wells—38.

For Mr. Beard is Mr. McCoy—1.

For Mr. Willis are Messrs. Brown of Johnson, Duval, Hodges, Mayers, Roane, Tackett, Wilson of Johnson—7.

For Mr. Huddleson are Messrs. Bankhead, Croft, Clark of Carroll, Clark of Green, Dawdy, Floyd, Greenwood, Garner, Hightower, Hughes, Shipp, Smith, Sutton—13.

For Mr. Stephenson are Messrs. Caldwell, Hardin, Russell, Simmons—4.

For Mr. Pleasants are Messrs. Miller, Wilson of Washington—2.

For Mr. Grafton—Mr. Parks—1.

For Mr. King—Messrs. Blakemore, Berry, Sanders, Strain, Sumner—5.

For Mr. Morse—Mr. Logan—1.

Mr. Speaker proclaimed that Wm. Triplett had received a majority of all the votes and was elected door keeper for the time prescribed by law; who being sworn entered upon the duties of his office.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed by the Senate to inform the House of Representatives that the Senate has organized by electing John Williamson president, John M. Ross secretary, A. O. Greer assistant secretary, and George Counts door keeper, and is now ready to proceed to business.

Mr. Billingsly moved adjournment.

Mr. Mayers called for the yeas and nays on adjournment, and they were ordered.

Members voting in the affirmative are—Messrs. Blakemore, Berry, Cook, Cross, Dorris, Hightower, Marshall, Miller, Mitchell, Olive, Physick, Riggs, Russell, Simpson, Sumner, Wilson of Washington—16.

In the negative are—Messrs. Alston, Bertrand, Bankhead, Bateman, Burke, Baltimore, Berry, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Caldwell, Collins, Cromwell, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Floyd, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hall, Hardin, Hodges, Hughes, Logan, Lambert, Mayers, McCoy, Owens, Parks, Riggs, Robinson, Sanders, Simmons, Shipp, Smith, Steele, Strain, Stubblefield, Sutton, Tackett, Trapnall, Ward, Wells, Wilson of Johnson—57.

On motion of Mr. Floyd of Johnson, the following resolution was adopted:

Resolved, That the different editors of newspapers throughout the State be allowed to take seats within the bar of the House, for the purpose of taking minutes of the proceedings of this House, as they may think proper, when in open session.

On motion of Mr. Collins the following was adopted:

Resolved, That a committee of five be appointed to draft rules and orders for the government of this House, and to act with such committee as may be appointed on the part of the Senate to furnish rules for the joint action of the two Houses.

On motion of Mr. Marshall the House adjourned.

TUESDAY MORNING, 9 o'clock, 5th November, 1844.

The House met pursuant to adjournment.

The Hon. Albert Rust of Union county and Hon. Samuel R. Hays of Pope county presented their certificates of election, were sworn and took their seats.

Mr. Croft of Green offered the following:

Resolved, That a select joint committee of five be appointed to wait on his excellency the Governor, and inform him that the two Houses have organized and are ready to receive any communication he may think proper to make.

Which was adopted and Mr. Speaker appointed Messrs. Croft, Duval, Trapnall, Steele and Floyd such committee.

Mr. Speaker appointed Messrs. Collins, Greenwood, Fowler, Cald-

well, and Marshall a committee pursuant to resolution of yesterday to draft rules and joint rules for the business of this legislature.

Mr. Wilson of Johnson offered the following:

Resolved, That a committee of three be appointed whose duty it shall be to wait on the ministering clergy of this city and respectfully request them by any arrangement best suited to themselves, that one of them attend each morning and open the session with solemn prayer.

Mr. Collins of Crittenden then offered as a substitute—

Resolved, That the House of Representatives elect on to-morrow a chaplain, who shall each morning open the session with prayer.

Which was received and the original withdrawn.

Mr. Mayers of Crawford moved to amend the substitute by adding:

And that each member should appropriate out of his per diem two day's pay as a compensation for their services.

Mr. Clark of Carroll moved to lay the resolution and amendment on the table indefinitely.

Mr. Baltimore of Independence called for the ayes and noes, and they were ordered and the roll called.

The members voting in the affirmative are Messrs. Alston, Blake-more, Berry, Blackwell, Brown of Johnson, Caldwell, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Duval, Dawdy, Franks, Garner, Hubbard, Hammond, Hardin, Hays, Mayers, Marshall, McCoy, Mitchell, Olive, Owens, Parks, Physic, Riggs, Robertson, Simmons, Simpson, Shipp, Stubblefield, Sumner, Wells, Mr. Speaker—35.

In the negative Messrs. Bertrand, Bankhead, Bateman, Burke, Baltimore, Billingsly, Booker, Birney, Brown of Sevier, Cross, Cromwell, Cook, Croft, Collins, Clark of Green, Floyd, Fowler, Foster, Greenwood, Gray, Hightower, Hall, Hodges, Logan, Lambert, Miller, Rust, Russell, Sanders, Smith, Strain, Sutton, Tackett, Ward, Wilson of Johnson, Wilson of Washington—36.

So the motion was lost.

On motion of Mr. Collins of Crittenden the resolution was referred to a committee of five, consisting of Messrs. Collins, Wilson of Johnson, Duval, Trapnall and Steel.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that the Senate have adopted the following resolution:

Resolved, That a select joint committee consisting of two members on the part of the Senate and such members as may be appointed by the House of Representatives, wait upon his excellency the Governor, and inform him that the two Houses have organized, and are now ready to receive any communication he may think proper to make.

Mr. Clark of Carroll offered the following:

Resolved, That the members of this House of Representatives be furnished with copies of the rules by which this House is to be governed, until the committee appointed for drafting shall report.

Mr. Sutton of Desha would amend by inserting:

And that the secretary of State shall furnish a sufficient number of the Revised Statutes for the use of the House.

Which was accepted.

Mr. Logan of Pope offered as a substitute:

Resolved, That the clerk be instructed to furnish each member of this House with the acts of the General Assembly, since the adoption of the Revised Code; also with the Journals of the last session, and that he procure from the secretary of State thirty copies of the Revised Statutes for the use of the members of this House during the session.

Which was substituted and adopted.

Mr. Booker of Sevier offered the following:

Resolved, That the habit of smoking in the Hall, while the House shall be in session, be positively prohibited, whether practised by members or others. Which was adopted.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed by the Senate to inform your honorable body that the Senate have adopted the following preamble and resolutions:

Whereas, An all-wise Providence has taken to Himself from among his friends, and from the service of his country, our fellow-citizen, the Hon. Wm. S. Fulton, late a Senator in the United States from the State of Arkansas—

Resolved, by the Senate and House of Representatives of the State of Arkansas, That this General Assembly deeply lament the untimely death of the deceased, whose easy manners, goodness of heart and gentlemanly bearing endeared him to all who knew him. In his death the State has lost a valuable citizen and a trusty public servant, of whom any people might well be proud; and one whose firm and consistent support of the principles he espoused gave ample proof of the deep and abiding interest he felt in the welfare of his country. As our Senator, our interests and rights were ever secure in his hands. In him the State has lost a long-tried and faithful public servant. For the respect due his memory and many valuable services, the members of this General Assembly will wear the usual badge of mourning for thirty days.

Resolved, That this General Assembly deeply sympathise with his disconsolate widow, children and relations, for this melancholy occurrence, as well as the irreparable loss they have sustained in this sad bereavement.

Resolved, That the secretary be requested to furnish his widow with a copy of the foregoing.

Mr. Greenwood offered the following:

Resolved, That twelve o'clock to-morrow be fixed upon for opening and counting the votes of the respective counties in the State of Arkansas, for Governor, and that the Senate be requested to concur therein, and attend in the Hall of the House at that time for said purpose.

Which was adopted and communicated to the Senate by message.

Mr. Dorris of Jefferson offered the following:

Resolved, That the clerk of this House be authorised to furnish suitable stationery for the use of the House during the present session.

Which was adopted.

Mr. Blackwell of St. Francis offered the following:

Resolved, That the General Assembly proceed to the election of Senator in Congress on next Thursday week, at ten o'clock A. M. and that the Senate be invited to concur therein.

Which was lost.

Mr. Croft of the committee appointed to wait on the Governor, on leave, reported:

Mr. Speaker—I am instructed to inform the House of Representatives, that the committee appointed to wait upon his excellency the Governor, to inform him that the two Houses have organized and are ready to receive any communications that he may think proper to make, have attended to the duties assigned them, and now beg leave to report, that his excellency informs your committee that on this day, at the hour of 12 o'clock, he will lay before your honorable body such communications as he may think advisable.

Mr. Bertrand offered the following:

Resolved. That the door keeper be authorized to purchase crape for the use of the members of this House.

Which was adopted.

On motion of Mr. Dorris, the House took a recess until 12 o'clock, to receive the Governor's communication.

12 O'CLOCK, M.

The Senate appeared within the bar of the hall, and were seated.

Message from his excellency the executive, by his private secretary, Col .L. J. Reardon, who read and withdrew, and the Senate retired.

On motion of Mr. Rust, one hundred and fifty copies of the message, with the accompanying documents, and one thousand copies without the accompanying documents were ordered to be printed.

On motion of Mr. Collins, the House adjourned.

WEDNESDAY MORNING; 9 o'clock, 6th November, 1844.

The House met pursuant to adjournment.

The honorable Miles T. Scott of Scott, came forward, presented his certificate of election, was qualified and took his seat.

A communication from the receivers of the principal bank of the State of Arkansas, addressed to Mr. Speaker, was received and read, and referred to a committee of five, consisting of Messrs. Bertrand, Rust, Culver, Burke and Hightower.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following resolution :

Resolved, That the president of the Senate appoint a committee of three with such committee as may be appointed on the part of the House of Representatives, to make and report such rules and joint rules as may be necessary for the government of the two Houses, and the intercourse between them.

And be it further resolved, That the rules and regulations adopted by the last General Assembly, be adopted and continued until other rules and regulations are adopted by the Senate.

Messrs. Yell, Trimble and Smith, were appointed a committee on the part of the Senate.

Mr. Mayers of Crawford, offered the following :

Resolved, That the commissioner of public buildings be instructed to furnish curtains for the windows on the east side of the hall of Representatives.

Mr. Collins offered the following as a substitute for Mr. Mayers' resolution :

Resolved, That the commissioner be authorized to procure the necessary materials for window curtains for this hall, and have them made and hung up in decent style.

Which was substituted and adopted.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House of Representatives, fixing 12 o'clock to-day, as the time for opening and counting the votes of the respective counties in the State of Arkansas for Governor.

Mr. Bankhead of Hempstead, offered,

Resolved, That this House, with the concurrence of the Senate, go into the election of a United States Senator to fill the vacancy occasioned by the decease of the honorable Wm. S. Fulton, on Saturday the 9th instant at 11 o'clock.

Read and on the table for to-morrow.

Mr. Parks of Yell, offered the following :

Resolved, That the members of the General Assembly of 1842, donating to each member of the legislature a copy of the revised statutes and decisions of the supreme court, be requested to pay into the State treasury the value thereof, as a State revenue.

Mr. Blackwell would amend by adding "or return the same."

Mr. Collins would amend the amendment by adding, "and also refund their *per diem* pay for the whole session of 1842."

Mr. Croft moved to lay on the table.

Which was lost, and both amendments were adopted.

Mr. Mayers would further amend by adding,

"And all who voted against the specie bill of 1842, and received the money, should refund the same to the treasury." Adopted.

Mr. Collins would further amend by

Be it further resolved, That this House go into the election of an officer immediately if not sooner, to travel over the State with full authority to collect back books and money.

To which Mr. Greenwood would add,

"And that the members of the last legislature who received the books and specie, and who are not now members of this legislature, be notified of the adoption of the foregoing resolution and be required to conform to the provisions thereof."

Mr. Mayers moved to lay the resolution and all its amendments on the table.

Mr. Simmons called for the yeas and nays, and they were ordered, and the roll called.

The members voting in the affirmative are, Messrs. Alston, Bankhead, Bateman, Blakemore, Burke, Baltimore, Berry, Billingsly, Booker, Brown of Johnson, Brown of Sevier, Caldwell, Cross, Cromwell, Cook, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Fowler, Foster, Franks, Garner, Gray, Hubbard, Hammond, Hightower, Hall, Hardin, Hughes, Logan, Lambert, Mayers, McCoy, Miller, Mitchell, Olive, Owens, Physic, Riggs, Russell, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Trapnall, Ward, Wells, Wilson of Washington—56.

The members voting in the negative are, Messrs. Bertrand, Blackwell, Birney, Collins, Dorris, Floyd, Greenwood, Hodges, Marshall, Parks, Rust, Robertson, Sanders, Scott, Tackett, Trapnall, Wilson of Johnson and Mr. Speaker—20.

So the resolution and amendments were laid on the table.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a resolution referring a communication received from the receivers of the principal bank of the State, to a joint select committee.

Messrs. Ficklin and Smith were appointed a committee on the part of the Senate.

Mr. Blackwell offered the following:

Resolved, That a committee of five be appointed to enquire into the propriety of changing the present mode of voting at the general elections from *viva voce* to voting by ballot, and report by bill or otherwise.

Which was adopted, and Mr. Speaker appointed Messrs. Blackwell, Greenwood, Physick, Owens and Croft such committee.

On motion of Mr. Rust, the committee on the bank receivers communication concerning the \$20,000 debt in New York, as read to-day, were made a joint committee.

Mr. Cromwell of Jackson, offered the following:

Resolved, That the Senate be invited to attend in the hall of the House of Representatives, on Saturday next, at 11 o'clock, A. M., for the purpose of electing circuit judges and attorneys for the State.

Which was read and laid on the table for to-morrow.

Mr. Bertrand gave notice that on to-morrow he would ask leave to introduce a bill entitled "an act to punish embezzlement."

Mr. Clark of Independence, offered the following:

Resolved, That the General Assembly on Saturday, 10 o'clock, A. M., proceed to the election of supreme judges, circuit judges and prosecuting attorneys for the several judicial circuits, where vacancies may occur.

Read and ordered to lay on the table until to-morrow.

Mr. Berry of Madison, offered the following.

Resolved, That the House of Representatives meet and hold evening sessions, at 3 o'clock, P. M.

Mr. Floyd of Johnson, gave notice that on Tuesday next he would on leave introduce a bill entitled "an act to abolish capital punishment, and for other purposes."

Mr. Greenwood gave notice that on Saturday next he would beg leave to introduce a bill to be entitled "an act to provide more effectually against the crime of adultery."

Mr. Rust gave notice that on Monday next he would ask leave to introduce a bill to repeal the present relief or valuation law as applicable to debts hereafter contracted.

Mr. Birney of Carroll, gave notice that on Monday next he would introduce a bill to repeal the 37th, 38th and 47th sections of an act entitled an act to establish a system of common schools in the State of Arkansas.

Mr. Floyd of Johnson, offered the following:

Be it resolved by the Senate and House of Representatives of the State of Arkansas, That our Senators in Congress be instructed and our Representative requested to use all of their influence with the Congress of the United States, to so change and modify the compact entered into between the United States and the State of Arkansas, with regard to the donation of the seventy-two sections of land for the purpose of erecting a seminary of learning, so that the same may be appropriated by the State to common school purposes, and that the Senate be requested to concur herein.

Read and ordered on the table for to-morrow.

The House now went into recess till 12 o'clock.

12 o'clock, M.

The Senate appeared within the hall of Representatives and were seated, when Mr. Speaker announced that by joint resolution of the

two Houses, the hour had arrived for counting the votes for Governor from the several counties.

The counties were called in order, and the votes proclaimed as follows:

	<i>Drew.</i>	<i>Gibson.</i>	<i>Byrd.</i>
Arkansas,	90	93	35
Bradley,	145	155	28
Benton,	320	125	44
Conway,	214	203	98
Crawford,	506	389	43
Carroll,	167	127	199
Crittenden,	102	119	62
Clark,	202	208	45
Chicot,	126	226	none
Desha,	29	154	66
Franklin,	187	190	48
Fulton,	135	26	29
Green,	130	101	76
Hempstead,	368	342	27
Hot Spring,	84	117	24
Independence,	370	359	19
Izard,	166	69	28
Jefferson,	96	125	31
Jackson,	186	145	7
Johnson,	395	173	36
Lafayette,	89	85	12
Lawrence,	304	211	42
Monroe,	52	93	55
Madison,	313	110	86
Marion,	40	57	114
Mississippi,	48	78	40
Montgomery,	69	53	64
Newton,	67	29	95
Ouachita,	157	221	16
Pulaski,	355	437	94
Phillips,	272	314	41
Pope,	323	257	26
Pike,	105	29	30
Perry,	63	77	20
Poinsett,	113	40	36
Randolph,	302	52	31
Sevier,	250	159	126
Saline,	195	154	15
Scott,	37	42	171
Searcy,	9	80	127
St. Francis,	200	128	109
Union,	348	252	30
Van Buren,	107	71	93

	<i>Drew.</i>	<i>Gibson.</i>	<i>Byrd.</i>
Washington,	759	503	27
White,			
Yell,	202	88	99
	8,797	7,066	2,524

When the Speaker declared that Thomas S. Drew had received the constitutional majority of the votes of the several counties throughout the State, and was duly elected Governor of the State of Arkansas for the term prescribed by law.

The Senate withdrew.

Mr. Greenwood offered the following:

Resolved, That a committee of three be appointed on the part of the House, to act in conjunction with such committee as may be appointed on the part of the Senate, to wait on Gen. Thomas S. Drew, the Governor elect, and ascertain from him at what time it may be his pleasure to be installed in office.

Mr. Speaker appointed Messrs. Greenwood, Bertrand and Rust such committee, of which the Senate were informed by message.

Mr. Rust offered the following:

Resolved, That a committee of three be appointed to receive proposals for the execution of the public printing during the present session of the General Assembly, and that they be required to report to this House on Monday next.

On motion of Mr. Mayers, the House adjourned.

THURSDAY MORNING, 9 o'clock, November 7th, 1844.

The House met pursuant to adjournment.

The Speaker announced the following standing committees:

Committee on Elections.—Messrs. Dorris, Mayers, Sumner, Riggs, Smith and Russell.

On Ways and Means.—Messrs. Logan, Hammond, Collins, Owens, Garner, Scott and Brown of Sevier.

On Public Buildings.—Messrs. Bertrand, Berry, Parks, Baltimore, Foster and Olive.

On Banks.—Messrs. Rust, Hightower, Fowler, Duval, Clark of Independence, Burke, Sutton and Steele.

On Education.—Messrs. Strain, Bankhead, Booker, Culver, Brown of Johnson, McCoy, Ward, Simpson and Trapnall.

On Militia.—Messrs. Floyd, Hays, Miller, Dawdy, Hughes, Robertson, Wells and Stubblefield.

On Enrolments.—Messrs. Greenwood, Bertrand and Culver.

On Counties and County Lines.—Messrs. Croft, Gray, Hardin, Alston, Hall and Hodges.

On Auditor's and Treasurer's Books.—Messrs. Wilson of Washington, Blakemore, Clark of Carroll, Baltimore, Physick and Bate-man.

On Judiciary.—Messrs. Caldwell, Fowler, Greenwood, Hightower, Sutton, Floyd, Lambert, Strain, Simmons and Dorris.

On Agriculture.—Messrs. Marshall, Blackwell, Birney, Cross, Cromwell, Cook, Clark of Green, Franks and Hubbard.

On motion of Mr. Duval, leave of absence was granted to Mr. Mayers on account of indisposition.

On motion of Mr. Booker, leave of absence was granted to Mr. Hughes.

Mr. Dawdy offered the following joint resolution :

Resolved, That that part of the Governor's message that refers to the donation of the five hundred thousand acres of land, made by the general government to the State of Arkansas, be referred to a joint committee, and that the Senate be requested to concur therein.

Read and ordered to lay on the table for to-morrow.

Mr. Collins of the select committee on the rules, on leave, reported back to the House the rules of 1842, with two slight amendments.

Which report was adopted, on motion of Mr. Logan.

On motion of Mr. Bertrand, two hundred copies were ordered to be printed.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have appointed Messrs. Maxwell and Irvin a committee to wait on the Governor elect, in conjunction with the committee of the House of Representatives, and ascertain from him what time will best suit his pleasure to be installed into office.

On motion of Mr. Croft, leave of absence was granted to Mr. McCoy.

The resolution of the gentleman from Union, of yesterday, on public printing, was taken up and read.

When Mr. Croft offered a substitute, as follows :

Resolved, That the House of Representatives proceed to the election of a public printer to-morrow, at 10 o'clock, A. M., and that the printer's compensation shall not exceed the established prices of printers for similar services.

Mr. Greenwood was called to the chair.

Mr. Bertrand called for the ayes and nays on the adoption of the substitute, and they were ordered and the roll called.

The members voting in the affirmative are, Messrs. Berry, Blackwell, Caldwell, Cross, Cromwell, Croft, Clark of Independence, Clark of Green, Duval, Floyd, Franks, Greenwood, Garner, Hammond, Hightower, Hall, Hardin, Hays, Logan, Lambert, Marshall, Miller, Mitchell, Olive, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Wilson of Johnson, Mr. Speaker—35.

The members voting in the negative are, Messrs. Alston, Bertrand,

Bankhead, Bateman, Blakemore, Burke, Baltimore, Billingsly, Booker, Birney, Brown of Johnson, Brown of Sevier, Cook, Collins, Culver, Clark of Carroll, Dorris, Dawdy, Fowler, Foster, Gray, Hubbard, Hodges, Owens, Parks, Physick, Riggs, Rust, Russell, Robertson, Sanders, Scott, Trapnall, Ward, Wells, Wilson of Washington—36.

So the amendment was lost.

When the motion now recurred on the adoption of the original resolution.

Mr. Collins called for the ayes and nays, and they were ordered.

The members voting in the affirmative are, Messrs. Alston, Bertrand, Bankhead, Bertrand, Burke, Baltimore, Billingsly, Booker, Birney, Brown of Johnson, Brown of Sevier, Caldwell, Cook, Collins, Culver, Clark of Carroll, Dorris, Dawdy, Fowler, Foster, Garner, Gray, Hubbard, Hardin, Hodges, Lambert, Owens, Parks, Physick, Riggs, Rust, Russell, Robertson, Sanders, Scott, Simmons, Strain, Tackett, Trapnall, Ward, Wells, Wilson of Washington—41.

The members voting in the negative are, Messrs. Blakemore, Berry, Blackwell, Cross, Cromwell, Croft, Clark of Independence, Clark of Green, Duval, Floyd, Franks, Greenwood, Hammond, Hall, Hays, Logan, Marshall, Miller, Mitchell, Olive, Simpson, Shipp, Smith, Steele, Stubblefield, Sumner, Wilson of Johnson, Mr. Speaker—28.

So the resolution was adopted.

Mr. Speaker appointed Messrs. Rust, Floyd and Duval such committee.

The joint resolution of Mr. Bankhead, of yesterday, was taken up and adopted, and the Senate informed by message,

That the House, with the Senate's concurrence, would go into the election of Senator of the United States, on Saturday next, at 11 o'clock.

A message from the Senate by secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted a resolution fixing Monday next at 12 o'clock, M., as the time for the election of the judges and prosecuting attorneys of the several judicial circuits of this State; and the concurrence of the House of Representatives is asked thereto.

On motion of Mr. Baltimore, the House concurred in the resolution of the Senate, and the Senate was informed thereof.

The resolutions of Messrs. Cromwell and Clark of Independence, concerning the election of circuit judges and prosecuting attorneys, being superceded by the resolution of the Senate and the concurrence of the House, were withdrawn.

Mr. Greenwood offered the following:

Resolved, That a committee of five be appointed, whose duty it shall be to inquire into the propriety of reducing salaries, and report as early as practicable.

Mr. Duval would amend by inserting "impropriety" for "propriety."

On motion of Mr. Blackwell, the resolution and amendment were laid on the table.

Mr. Fowler presented a petition from sundry citizens of Pulaski county, praying the erection and establishment of a new county.

Which was read and referred to a committee consisting of Messrs. Fowler, Cook, Lambert, Cross and Simmons.

Mr. Collins presented a petition from J. W. McClung and Malcolm McLeod, guardians of the minor heirs of James B. Lewis, praying for an act authorizing the sale of certain real estate.

Which was read and referred to a committee consisting of Messrs. Collins, Ward and Dawdy.

Mr. Floyd of Johnson, offered the following:

Resolved, That a committee of five be appointed by the chair, whose duty it shall be to inquire into the expediency of instructing our Senators and requesting our Representative in the Congress of the United States, to use all the means within their power for the immediate reannexation of the government of Texas to that of the United States, and that they report to this House as soon as practicable, the result of their deliberations.

Which was adopted, and Mr. Speaker appointed Messrs. Floyd, Greenwood, Blakemore, Scott and Marshall.

Mr. Bankhead gave notice that on Thursday next, on leave given, he would introduce a bill to change the time of holding our State elections.

Mr. Bertrand presented a petition from several citizens of the city of Little Rock and Pulaski county, asking that an act may be passed incorporating a company for the purpose of erecting a bridge over the Arkansas river at Little Rock.

Which was read, and on motion of Mr. Bertrand, was referred to a select committee of five, consisting of Messrs. Bertrand, Trapnall, Booker, Physick and Rust.

Mr. Baltimore gave notice that on Wednesday next, he would, on leave given, introduce a bill entitled "an act to amend the existing laws concerning administrators, so as to more effectually compel them to pay over assets which may be in their hands, to just claimants against estates."

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House of Representatives fixing Saturday next, at 11 o'clock, as the time for the election of a United States Senator, to fill the vacancy occasioned by the death of the Hon. Wm. S. Fulton.

Mr. Blackwell gave notice that on to-morrow he would introduce a bill to be entitled "an act to repeal and amend section 6th of article 5th, under the head of criminal jurisprudence, minimum conviction of an assault and battery.

Mr. Berry gave notice that he would, to-morrow, ask leave to introduce a resolution proposing certain amendments to the constitution of this State.

Pursuant to notice, Mr. Bertrand introduced a bill entitled "an act to punish embezzlement."

Which was read a first time.

On motion of Mr. Trapnall, Mr. Cook was added to the standing committee on counties and county lines.

Mr. Hardin offered,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of passing a law to limit medical men in their charges, and that they be required to report by bill or otherwise.

Which was lost.

Mr. Clark of Independence, offered,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of regulating the mileage of physicians.

Mr. Duval moved to lay the resolution on the table.

Which was lost.

Mr. Rust amended by adding after word "physician," "who have graduated at some respectable medical institution of the United States."

Which was accepted by the originator.

Mr. Simmons called for the ayes and nays on the adoption of the resolution, and they were ordered.

The members voting in the affirmative are, Messrs. Blakemore, Burke, Baltimore, Berry, Billingsly, Blackwell, Cromwell, Clark of Independence, Clark of Green, Dawdy, Floyd, Garner, Hardin, Marshall, Russell, Robertson, Sanders, Simmons, Shipp, Stubblefield, Wilson of Johnson and Wilson of Washington—23.

The members voting in the negative are, Messrs. Alston, Bertrand, Bankhead, Baltimore, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Cook, Croft, Collins, Culver, Clark of Carroll, Dorris, Duval, Fowler, Foster, Franks, Greenwood, Gray, Hubbard, Hammond, Hightower, Hall, Hodges, Hughes, Logan, Lambert, Miller, Olive, Owens, Parks, Physick, Riggs, Rust, Scott, Simpson, Smith, Steele, Strain, Sumner, Tackett, Trapnall, Ward, Wells, Mr. Speaker—47.

So the resolution was rejected.

Mr. Greenwood gave notice that he would, on Tuesday next, ask leave to introduce a bill to be entitled "an act for the relief of James Jackson, coroner of Benton county.

On motion of Mr. Booker, the House adjourned.

FRIDAY MORNING, 9 o'clock, 8th November, 1844.

The House met pursuant to adjournment.

On motion of Mr. Rust, the rules were suspended in order that he might introduce a resolution as follows:

Resolved, That the resolution adopted by the House, and concurred in by the Senate, to go into the election of United States Senator on

to-morrow, at 11 o'clock, be rescinded, and that the House of Representatives and the Senate will go into that election at the hour of 3 o'clock, P. M., this day, and the Senate are requested to concur herein.

Which being a joint resolution, on motion of Mr. Rust, that the rules of the House may again be suspended, that immediate action might be had on the resolution.

On the call of Mr. Greenwood, the ayes and nays were ordered.

The members voting in the affirmative are, Messrs. Alston, Bankhead, Blakemore, Burke, Berry, Billingsly, Booker, Birney, Brown of Johnson, Brown of Sevier, Caldwell, Cross, Cromwell, Croft, Collins, Culver, Clark of Green, Dorris, Duval, Floyd, Foster, Franks, Garner, Gray, Hubbard, Hammond, Hightower, Hall, Hardin, Hughes, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Physick, Riggs, Rust, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Trapnall, Ward, Wilson of Johnson, Wilson of Washington—53.

The negative are, Messrs. Bertrand, Bateman, Blackwell, Clark of Independence, Dawdy, Fowler, Greenwood, Hodges, Hays, Logan, Lambert, Parks, Russell, Robertson, Mr. Speaker—16.

So the resolution was adopted, and the Senate informed thereof by message.

A message from the Senate by secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolution:

Resolved, That a committee of three be appointed by the Senate to act in conjunction with such committee as may be appointed on the part of the House of Representatives, to make suitable arrangements for the inauguration of the Governor on to-morrow, and that they make report of said arrangements to the General Assembly on to-morrow morning. The concurrence of the House of Representatives is asked.

The committee on the part of the Senate are, Messrs. Yell, Clark and Ficklin.

Mr. Greenwood of the committee who were appointed to wait on the Governor elect, on leave given, reported as follows:

The joint select committee appointed to wait on Gen. Thomas S. Drew, and inform him of his election to the office of Governor, and also to inquire of him at what time it would suit his convenience to be installed into office, have instructed me to report, that they have performed the duties assigned to them, and are authorized to inform the House that it will best suit his convenience on Saturday next, at 12 o'clock, M. Which is respectfully submitted.

On motion of Mr. Dorris, the report was adopted.

Mr. Marshall presented the following:

Resolved by the General Assembly of the State of Arkansas, That the following articles be and they are hereby adopted as amendments to the constitution of the State, the first in lieu of section fifteen, article six, title judicial department, and the second in lieu of section one, title establishment of banks, to wit;

First. The voters of each township shall elect justices of the peace for their respective townships. For every fifty voters there may be elected one justice of the peace: *Provided*, That each township, however small, may have two justices of the peace.

Justices of the peace shall be elected for the term of two years, and shall be commissioned by the Governor, and shall reside in the township for which they were elected, during their continuance in office. They shall have individually, or two or more of them jointly, such jurisdiction in penal offences and criminal cases less than felony, as shall be conferred on them by law, and in all other penal and criminal cases they shall have power to sit as examining courts, and commit, discharge or recognize the accused for further trial to the court having jurisdiction.

They shall have such jurisdiction in all matters of contract as may be conferred upon them by law, and they shall likewise have such jurisdiction in all matters between individuals other than contract as may be conferred upon them for the foregoing purposes. They shall have power to issue all necessary process. They shall also have power to bind to keep the peace or for good behavior.

Second. The General Assembly shall have no power to incorporate any banking institution whatsoever: nor shall the faith and credit of the State be pledged to raise funds for any purpose whatsoever, except to pay the expenses to be incurred by invasion or rebellion, and to defray the ordinary expenses of the State, unless a proposition for that purpose be made at a regular session of the General Assembly, and two thirds of all the members elected to each House concur therein: in which case such proposition shall be published with the act of the Assembly of that session, and shall also be published for two months in all the newspapers printed in the State previous to the next election for members to the General Assembly thereafter, and shall be continued until the next regular session of the General Assembly, at which time, if the same shall be passed by two thirds of all the members elected to each House it shall become a law. *Provided*; That the said proposition shall be read on three several days in each House as well at the session when it shall be proposed, as at the session when the same shall become a law; and the vote upon the third reading at each session, and in each House shall be taken by yeas and nays and entered upon the journals.

Which was read the first time.

On motion of Mr. Collins, leave of absence was granted Mr. Cook.

On motion of Mr. Logan, Mr. Hightower and Bankhead were added to the committee on Mr. Rust's printing resolutions.

Mr. Logan presented the following:

Resolved, That a committee of three be appointed to examine into the propriety of memorializing Congress upon the subject of extinguishing the Indian title to certain lands on our western frontier; and that they report the result of their deliberations to this House.

Which was adopted.

Mr. Speaker appointed Messrs. Logan, Floyd, and Duval.

Mr. Collins gave notice that on Wednesday next he would ask leave to introduce a bill more particularly to define the jurisdiction of justices of the peace in this State.

Mr. Hall gave notice that on to-morrow he would introduce a bill to be entitled "an act to establish and confirm the seat of justice of Poinsett county."

Mr. Parks gave notice that on Tuesday next he would ask leave to offer an amendment to the constitution of the State, so as to authorise the election of the presiding judge of the county court by the electors of the county, in lieu of the mode now prescribed.

Mr. Hays of Pope offered the following:

Resolved, That our Senators in congress be instructed and that our Representative be requested to use their influence with the congress of the United States, to change or modify the compacts entered into between the United States and the State of Arkansas with regard to the different donations of land made by the United States to the State of Arkansas, so that the legislature of Arkansas may have unconditional control and disposal of the same.

Which was read and ordered to the table for one day.

Mr. Wilson of Johnson gave notice that on Thursday next he would beg leave to introduce a bill to amend the present road laws, and for other purposes.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have concurred in the resolution rescinding the resolution adopted on yesterday, to go into the election of United States Senator, on Saturday next at 11 o'clock M.

The Senate have also concurred in the resolution of the House of Representatives, fixing the hour of 3 o'clock P. M. this day to go into the election of United States Senator.

Mr. Wilson of Johnson gave notice that on Wednesday next he would ask leave to introduce a bill, to regulate the certainty of sales of public property at circuit courts, and for other purposes.

Pursuant to notice, Mr. Blakemore introduced a bill to be entitled "an act to amend the laws as to assault and battery."

Which was read a first time.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have adopted a joint resolution to elect, on Tuesday next, at 12 o'clock M. a board of education in pursuance of an act approved 3d Feb'y 1843: and the House of Representatives is asked to concur herein.

Mr. Croft introduced the following:

Resolved, That the committee on the judiciary be requested to take into consideration the propriety of amending the constitution of the State of Arkansas; and report as soon as practicable to the House, such articles as it may be advisable to amend.

Which was rejected.

Mr. Hays of Pope gave notice that on Wednesday next he would

on leave given, introduce a bill to change the present mode of assessing and collecting the taxes of the State of Arkansas.

Mr. Dorris gave notice that on Tuesday next he would ask leave to introduce a bill to amend the 13th section of the 91st chapter in the Revised Code under the head of limitations; and also, a bill to amend an act approved December 23d 1842, regulating the fees of constables.

The bill of the House entitled "an act to punish embezzlement," was taken up, read a second time and referred to the standing committee on the judiciary.

Mr. Dawdy's resolution of yesterday relating to the Governor's message on the donation of the five hundred thousand acres of land, was taken up, read and adopted.

Mr. Speaker appointed Messrs. Dawdy, Clark of Carroll, Cromwell, and Caldwell, committee.

Of which the Senate were informed by message.

Mr. Croft of Green offered the following:

Resolved, That the clerk of the House of Representatives be instructed to employ a Page or a suitable person to carry papers and documents from the members to the clerk's table.

Which was read, and

Mr. Fowler moved to lay the resolution on the table till the first of January next.

Mr. Scott called for the ayes and noes, and they were ordered, and the roll was called.

The members voting in the affirmative—Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Caldwell, Cross, Cromwell, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Dawdy, Floyd, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hightower, Hall, Hardin, Hodges, Hays, Logan, Lambert, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Physic, Riggs, Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Ward, Wilson of Johnson, Wilson of Washington—60.

The members voting in the negative are Messrs. Croft, Collins, Duval, Rust, Trapnall, Mr. Speaker—6.

So the resolution was laid on the table.

Mr. Rust offered the following:

Resolved, That any member having a written motion or resolution to offer, shall hand the same to the clerk at his table.

Which was adopted.

Mr. Tackett of Newton gave notice that on Thursday next he would ask leave to introduce a bill more permanently to locate the seat of justice of the county of Newton.

Mr. Baltimore offered the following:

Resolved, That this House now adjourn till 3 o'clock P. M. for the purpose of giving the members of this House an opportunity to go

into grand caucus in relation to United States Senator, as it is not precisely known who is the man.

Mr. Rust would amend by inserting before the word "members" the word "whig."

Which was adopted.

When on motion of Mr. Scott, the resolution was laid on the table.

Mr. Scott offered the following:

Resolved, That the House of Representatives fix on 12 o'clock on Tuesday next, for the election of chief justice and associate judge of the supreme court of the State of Arkansas, and that the Senate is requested to concur with the House.

Which was read and laid on the table as the order of the day.

Mr. Greenwood gave notice that on Monday next he would ask leave to introduce a bill to be entitled an act to amend the 3d section of an act prescribing the time of holding the circuit courts for the several judicial circuits, approved the first day of February, 1843:—also, a bill to be entitled an act to repeal sections 37, 38 and 42 of an act establishing a system of common schools in the State of Arkansas, approved the 3d day of February, 1843.

On motion of Mr. Clark of Carroll, Mr. Tackett was added to the committee on county and county lines.

Mr. Berry gave notice that on Monday next he would ask leave to introduce a bill to repeal a part of the first section of chapter 38 of the Revised Statutes, so as to fix forty-five years in place of sixty years to collect a poll tax.

Mr. Blackwell gave notice that he would on to-morrow ask leave to introduce a bill to be entitled an act to repeal and amend a portion of the administration laws.

The House now went into recess till 3 o'clock p. m.

3 o'clock, P. M.

The Senate appeared in the House of Representatives and were seated within the bar.

When Mr. Speaker announced that the hour fixed upon by joint resolution of both Houses, had now arrived, and that the legislature had now convened for the purpose of electing a Senator for the Senate of the United States, and that nominations were in order.

Mr. Blackwell of the House nominated Col. Chester Ashley.

Mr. Gaines of the Senate nominated Judge R. C. S. Brown.

There being no other nominations made, the roll was called, and the members voting for Chester Ashley are

Messrs. Bankhead, Bateman, Blakemore, Burke, Baltimore, Berry, Billingsly, Blackwell, Booker, Brown of Johnson, Brown of Sevier, Caldwell, Cross, Cromwell, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hightower, Hall, Hardin, Hodges, Hays, Hughes, Logan, Lambert, Marshall, McCoy, Miller, Mitchell, Olive, Physic, Riggs, Rust, Sanders, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Wells, Wilson of Johnson, Wilson of Washington—61.

For R. C. S. Brown:

Messrs. Alston, Duval, Parks, Scott, Mr. Speaker—5.

Messrs. Bertrand and Cook voted for C. F. M. Noland.

Messrs. Birney and Russell voted for Williamson S. Oldham.

Mr. Fowler voted for Lorenzo Gibson.

Messrs. Owens and Robertson voted for Walker.

The members of the House voting for Mr. Ashley	61	} Joint vote 79
Of the Senate,	18	

The members of the House voting for Mr. Brown,	5	} Joint vote 9
Of the Senate,	4	

Whereupon Mr. Speaker proclaimed that Chester Ashley had received a majority of the votes of both Houses, and was duly elected Senator in the congress of the United States for the unexpired term vacated by the decease of the Hon. W. S. Fulton.

Then the Senate withdrew.

On motion of Mr. Rust the House adjourned.

SATURDAY MORNING, 9 o'clock, 9th November, 1844.

The House met pursuant to adjournment.

On motion of Mr. Greenwood the reading of the journals was dispensed with.

Mr. Caldwell of the committee of arrangements, on leave given, *Reported*, That all due and appropriate arrangements were made for the inaugural ceremonies.

Which report was adopted.

On motion of Mr. Logan, Mr. Duval was added to the standing committee on counties and county lines.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed an act to postpone the November term of the Hempstead circuit court and the concurrence of the House of Representatives is asked thereto.

This being the day fixed by resolution of both Houses to install the Governor elect, in order that the Hall should be fully in preparation for the occasion,

On motion of Mr. Rust, the House went into recess until half past eleven, A. M.

12 o'clock M.

The House being in session, the Senate were invited to be seated within the bar of the Hall, and were so seated.

The acting governor, after the usual custom, pronounced a short but pertinent valedictory, vacating the chair of State for his successor, who being qualified in office, by the honorable Thomas J. Lacy, associate judge of the supreme bench of the State of Arkansas, entered upon the duties of his office after delivering an appropriate address to the two houses of the legislature in presence of the assembled citizens, and then withdrew.

The Senate retired, and on motion of Mr. Owens the House adjourned.

MONDAY MORNING, 9 o'clock, 11th November, 1844.

The House met pursuant to adjournment.

Mr. Floyd moved that the rules of the House be dispensed with, that he might introduce a resolution to postpone the election of the judges and prosecuting attorneys.

Which motion was lost.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House of Representatives, referring that part of the Governor's message relating to the 500,000 acres of land donated by Congress to the State of Arkansas to a joint select committee, and have appointed Messrs. Neely, Trimble and Pelham a committee on part of the Senate.

Mr. Bertrand offered the following :

Resolved, That the Governor be requested to furnish this House with the names of all locating agents appointed to select the 500,000

acres of land donated to this State by the Congress of the United States, the amount of compensation paid to each, and the quantity of land by each agent located. Which was adopted.

Of which his excellency was informed by message.

Mr. Logan of Pope gave notice that, on Friday next, he would introduce a bill to be entitled "an act to provide for a proper disposition to be made of the decisions of the supreme court, bound and now on file in the office of the secretary of State."

Mr. Bankhead gave notice that, on to-morrow, he would beg leave to introduce a bill to regulate the fees of sheriffs, clerks, magistrates, and constables.

Mr. Scott offered the following joint resolution :

Resolved, by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed and our Representative requested to procure, if possible, the passage of a law authorizing the public lands to be sold in half quarter sections running east and west, whenever the same may suit the convenience of purchasers : *Provided,* That no lands can be so entered unless for actual cultivation, or contiguous to the homestead of the actual settler ; and that the Governor transmit to our Senators and Representative, respectively, a copy of this resolution.

Which was read, and made the order of the day on to-morrow.

Mr. Greenwood offered the following :

Resolved, That the resolution of the House requiring each member to deliver his papers at the clerk's table that are intended for the consideration of the House, be rescinded.

Which was adopted.

Mr. Blackwell, from the select committee to whom was referred the subject of changing the mode of voting in this State, on leave given, reported a bill to be entitled "an act to change the mode of voting in this State, from voting *viva voce* to voting by ballot."

Which was read a first time.

Mr. Floyd offered the following :

Resolved, That the committee on the judiciary are hereby instructed and requested to inquire whether there is a vacancy in the office of judge of the first judicial circuit of this State, and that they report to this House at an early a day as practicable the result of the deliberations.

Which was adopted.

Mr. Croft offered the following :

Resolved, That two thousand additional copies of the Governor's message, without the accompanying documents, be printed for the use of this House.

Mr. Logan amended, by striking out "two thousand" and inserting "five hundred."

When the resolution, as amended, was adopted.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted a report of a select committee appointed

by the Senate, to whom was referred certain resolutions fixing the prices paid for public printing at the same as last session, and to go into the election of public printer on Tuesday next; which resolutions were reported back to the Senate without amendment, and the House of Representatives are respectfully asked to concur in said report.

Laid on the table until the committee on part of the House shall have reported.

And also that the Senate have adopted a resolution rescinding the joint resolution adopted by both Houses of this General Assembly on a previous day of the present session, to go into the election of judges and prosecuting attorneys of the several judicial circuits of this State on to-day at 11 o'clock, A. M., and have adopted a resolution to go into the election of supreme and circuit judges and prosecuting attorneys on Tuesday next, at 11 o'clock, A. M., and the House of Representatives is respectfully asked to concur herein.

Which was concurred in and the Senate informed thereof by message.

The House now called from the Speaker's table the following message of Saturday, and concurred in the resolution of the Senate.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted a joint resolution to elect, on Tuesday next, at 12 o'clock, M., a board of education, in pursuance of the act approved 3d February, 1843, and the House of Representatives is respectfully asked to concur herein.

Concurred in, and the Senate informed by message.

The bill of the House entitled "an act to amend the law concerning assault and battery," was taken up and read a second time.

And on motion of Mr. Trapnall, referred to the standing committee on the judiciary.

Mr. Hays offered the following:

Resolved, That our Senators in Congress be instructed and our Representative be requested to use all their influence with the Congress of the United States to change or modify the compacts entered into between the United States and the State of Arkansas, with regard to the different donations of land made by the United States to the State of Arkansas, so that the legislature may have unconditional control and disposal of the same, was taken up and read a second time.

Mr. Greenwood was called to the chair.

The resolution of Friday last, proposing to amend the constitution of this State, in relation to the mode of electing justices of the peace, and the establishment of banking institutions,

Was taken up and read a second time.

Mr. Wilson of Washington offered an amendment which was read.

And on motion of Mr. Fowler, was referred to the standing committee on the judiciary.

Mr. Hays of Pope offered the following:

Resolved, That a committee of five be appointed, whose duty it shall be to enquire into the propriety of reducing the price of the five hundred thousand acres of land which was donated to the State of

Arkansas by the general government for internal improvements.

Which was adopted.

Mr. Speaker appointed Messrs. Hays, Brown of Johnson, Floyd, Culver, and Blakemore.

Mr. Marshall offered the following:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the constitution of this State so as to raise the ratio for the purpose of curtailing representation, and that they report as soon as practicable.

Which was adopted.

Mr. Duval offered:

Resolved, That no standing committee of the House be hereafter increased to a greater number than eleven members.

Which was adopted.

Mr. Hubbard offered the following:

Resolved, That a committee of three be appointed to enquire into the expediency of amending the law in relation to estrays, and that they report to this House by bill or otherwise.

Which was adopted.

Mr. Speaker appointed Messrs. Hubbard, Hall, and Owens.

On motion of Mr. Trapnall, Mr. Hodges was added to the committee on the judiciary.

On motion of Mr. Sutton, Mr. Garner was added to the committee on internal improvement.

On motion of Mr. Billingsly, Mr. Wilson of Washington was added to the committee on internal improvement.

On motion of Mr. Cook, Mr. Riggs was added to the committee on internal improvement.

On motion of Mr. Hammond, Mr. Stubblefield was added to the committee on internal improvement.

On motion of Mr. Birney, Mr. Clark of Carroll was added to the committee on counties and county lines.

On motion of Mr. Wilson of Johnson, Mr. Floyd was added to the committee on education.

On leave, Mr. Fowler and Mr. Hightower were excused from serving on the standing committee on banks.

On motion of Mr. Sanders, Mr. Sumner was added to the committee on claims.

On motion of Mr. Clark of Independence, Mr. Greenwood was added to the committee on banks.

On motion of Mr. Steele, Mr. Floyd was added to the committee on banks.

On motion of Mr. Strain, Mr. Trapnall was added to the committee on banks.

Mr. Greenwood introduced a bill to be entitled "an act to repeal the 3d section of an act prescribing the time of holding the circuit courts for the several judicial circuits in the State, approved the 1st day of February, 1844, and for other purposes.

On motion of Mr. Greenword, the rules of the House were suspended, and the bill read a second time.

When, on motion of Mr. Greenwood, the bill was referred to a select committee of five, consisting of Messrs. Greenwood, Robertson, Hodges, Strain, and Clark of Carroll.

Pursuant to notice, Mr. Birney introduced a bill to be entitled an act to repeal the 37th, 38th and 42d sections of an act entitled an act to establish a system of common schools in the State of Arkansas.

Which was read a first time.

On motion of Mr. Birney, the rules were suspended, and the bill was read a second time, and was referred to the standing committee on education.

Mr. Brown of Sevier offered the following :

Resolved, That the committee on the judiciary be instructed to enquire into, and report upon, the propriety of amending the constitution so as to remodel the county and probate court system."

Which was adopted.

Mr. Berry, pursuant to notice, introduced a bill to be entitled an act to change the collection of a poll tax from sixty years to forty-five years.

Which was read a first time.

On motion of Mr. Culver, Mr. Birney was added to the committee on education.

Mr. Brown of Johnson gave notice that, on Monday next, he would, on leave given, introduce a bill entitled "an act to amend the 39th section of the 4th chapter of the revised statutes, under the head of 'Administration,' and for other purposes," and also a bill to be entitled "an act prescribing the time of holding the circuit courts in the several judicial circuits, approved the 1st of February, 1844, and for other purposes.

Pursuant to notice, Mr. Hall introduced a bill to be entitled "an act to establish and confirm the seat of justice of Poinsett county.

Which was read a first time.

Mr. Collins offered the following :

Resolved, That in addition to the thirty copies of the revised statutes already furnished this House, the secretary of State be authorized and requested to furnish forty-five others of the same for the use of this House.

Which was adopted.

And the messenger sent for the same.

On motion of Mr. Wilson of Washington, Mr. Hubbard was added to the committee on internal improvements.

Mr. Duval gave notice that, on Monday next, he would introduce a bill, on leave, to be entitled "an act to equalize the pay of the judges of our supreme and circuit courts."

Mr. Blackwell, on leave given, introduced a bill to be entitled "an act compelling administrators and executors to pay over assets of estates to claimants."

Which was read a first time.

Mr. Rust offered the following :

Resolved, That a committee of five be appointed to enquire and report to this House the amount, if any, of the 500,000 acres of land donated to the State by the general government which has been entered in contravention of the law donating the same, and under whose instructions and what circumstances the same has been located.

2d. That the committee have power to examine the papers and correspondence on the subject between the executive of this State and the commissioner of the general land office and attorney general of the United States.

Which was adopted.

And Mr. Speaker appointed Messrs. Rust, Fowler, McCoy, Dorris, Wilson of Washington.

Mr. Garner offered the following :

Resolved, That there be a committee of five appointed to enquire into the propriety of increasing the fees and salaries of officers generally, and report as soon as practicable.

Which was adopted.

Mr. Speaker appointed Messrs. Garner, Smith, Floyd, Hall, and Shipp.

On motion of Mr. Culver, Mr. Caldwell was added to the committee on enrolments.

On motion of Mr. Brown of Johnson, the House adjourned.

TUESDAY MORNING, 9 o'clock, Nov. 12th, 1844.

The House met pursuant to adjournment.

On leave, Mr. Greenwood was excused from serving on the committee on banks.

Mr. Brown of Sevier presented a petition from several citizens of Sevier county, praying that a new county be erected from the territory of Sevier county.

Which was read and referred to a select committee of three, consisting of Messrs. Brown of Sevier, Booker and Hughes.

Mr. Rust of Union presented a petition from the Hon. Ambrose H. Sevier, praying that an investigation be had into the report of a certain committee of the last session of this legislature, as found on page 76 of of the journals of the House of Representatives for the session of '42 and '43.

Which was read.

Mr. Rust offered the following resolutions:

Resolved, That the petition of Ambrose H. Sevier, of the county of Jefferson in the State of Arkansas, be spread upon the journals of

the House of Representatives, and that said petition, together with the report, testimony and documents to which it refers, be referred to a joint select committee of the Senate and House of Representatives, of the same number as made the report of which said petition complains.

Resolved, That said committee have power to send for persons and papers, and said committee be, and they are hereby, directed to investigate the conduct of said petitioner in the matters and things to which said report refers, and report the result of the same to this House with as little delay as possible to a full and fair investigation of the subject, with the suitable remedy (if any should be found to be due,) for the grievance of which said petitioner complains.

Resolved, further, That a copy of the aforesaid petition, and of these resolutions, be sent to the Senate for its concurrence, with the request that the Senate on its part may appoint a committee to act jointly with the committee of this House upon the subject to which said petition refers.

Which was read and laid on the table as the order of the day for to-morrow.

Mr. Caldwell, from the committee on the judiciary, on leave given, reported as follows:

The committee on the judiciary, to whom was referred the resolution of this House calling for the opinion of this committee in relation to a supposed vacancy in the office of judge of the first judicial circuit, have authorized me to report:

In this case judge Tollison was appointed by the Governor to fill the vacancy in that circuit occasioned by the resignation of judge Sebastian. Tollison's term expired at the close of the session of the last legislature, and an election was ordered by the provision of the constitution, which resulted in the election of judge Jones, the present incumbent. Jones has served the residue of the time for which Sebastian was elected, and the question that the committee feels called upon to decide is, how long was Jones elected for? The 7th section of the constitution provides that the judges of the circuit court shall be at least twenty-five years of age, and shall be elected for the term of four years from the date of their commission.

Your committee are of opinion, that the legislature has no constitutional authority to elect a judge of the circuit court for a shorter period than four years, and therefore there is no vacancy in the 1st judicial circuit.

When Mr. Collins moved the adoption of the report.

Mr. Floyd, on leave given, offered a report from the minority of the same committee, as follows:

The majority of the committee on the judiciary to which a resolution adopted by this House was referred, requiring them to examine and report whether there existed a vacancy of the judgeship in the 1st judicial circuit, having reported, that in their opinion there was no vacancy in the office of judge of said circuit, we, the undersigned, disagreeing with the majority, beg leave to assign briefly the reasons for withholding our assent to that report.

The constitution of the State of Arkansas was adopted in 1836. It provided for the election of circuit judge by the legislature, and made it incumbent on that body to divide the State into circuits, for each of which a judge shall be elected. The first legislature, which met in 1836, divided the State into four judicial circuits, and elected a judge for each circuit. In 1840, a judge was elected for the 1st judicial circuit, to-wit, the hon. Wm. K. Sebastian, whose term of office would not have expired until 1844. In March, 1842, judge Sebastian resigned, and the executive filled the vacancy by appointment, the commission of which said incumbent expired at the end of the session of 1842. At that session, the legislature elected the present incumbent, and the question now presented is, whether the present incumbent is constitutionally elected for four years, or whether there is not a vacancy in said office.

We are aware that the constitution says that judges of the circuit court shall be elected for the term of four years from the date of their commission, but we do not believe it applies to judges who are elected to fill vacancies, for it is not in the power of the legislature to extend the term of office. Had the 1st judicial circuit been established by law in 1842, and an election then held for judge, there could be no question but that the term of office would be for four years; but the case now presented is entirely different. The 1st judicial circuit was established in 1836, a judge was then elected to fill the office 4 years thereafter, to-wit, in 1840, and the election was held; and in 1842 an election was held by the legislature to fill the vacancy occasioned by the resignation of judge Sebastian, who had been elected for four years. Can the present incumbent hold over two years longer than the period prescribed by law? Is it not clear and manifest that he could only hold out the unexpired term of his predecessor? Can he hold over the time limited by law for the judge who was elected in 1840? If so, it would be extending the time to six years, when the constitution expressly provides that four years shall be the limit. Was the election in 1842 for a new circuit then formed, or was it to fill a vacancy in a circuit previously formed, and for which a judge had been elected? The journals of the House show that it was to fill a vacancy. Then by what process of reasoning can we arrive at the conclusion that the present incumbent, who was elected to fill a vacancy, can hold on to the office two years longer than his predecessor, whose vacancy he is filling, could have done? If judge Sebastian, who was elected in 1840, could not have held on until 1846, with what propriety can it be said that the present incumbent, who was elected to fill the vacancy, can do so?

The supreme court of Mississippi have decided in the case of *Smith vs. Halfacre*, 6 Howard's R. 582, that when a judge was elected to fill a vacancy, that he could only hold his office for the unexpired term of his predecessor. The constitution of that State, like our own, declares that the judges shall hold their offices for the term of four years, and yet under that very clause, they have decided in the above case, after solemn argument, that when a judge is elected to fill a va-

cancy, that he cannot hold over the time when his predecessor's commission would have expired. The only difference in that case and the one now under consideration, is, that in Mississippi the judges are elected by the people, and here by the legislature. We do not conceive that the mode of the election can at all militate or affect the principle. If so, it is clear that there is a vacancy in the 1st judicial circuit, as this is the time at which the judge, who was elected for that circuit in 1840, would have gone out of office.

We, therefore, declare it to be our opinion that there is a vacancy, and would recommend that the legislature proceed to the election of a judge of the 1st circuit. Should, however, a majority of the legislature differ with us in opinion as to whether a vacancy exist or not, still we think it policy to proceed with the election; and in this view we are sustained by the attorney general, whose letter we refer to as a part of our report; for should it be determined by the supreme court of this State that the term of office of the present incumbent could not extend beyond the time prescribed for the judge who was elected in 1840, and if the present legislature fail to elect, there would be no judge of that circuit for two years, for the executive could not fill the vacancy by appointment. His power only extends under the constitution to those cases where a vacancy happens while the legislature is not in session.

To avoid any such evil, we conceive it to be the duty of the legislature, to make an election; and if upon application to the supreme court, which will meet in January next, it should be decided that the present incumbent is in for four years, no evil would or could result from an election, that if the supreme court should declare the office vacant, the consequences would be disastrous, unless the election now takes place, otherwise there would not and could not be a judge appointed for that circuit until 1846, unless the executive were to call a special session of the legislature for the purpose of electing a judge, which would be attended with great inconvenience to the people and at an expense of several thousand dollars. We, therefore, in conclusion, would recommend that an election be made of the 1st judicial circuit, as by this mode the question can be adjudicated.

All of which is most respectfully submitted to the consideration of the House.

LETTER OF ATTORNEY GENERAL.

Little Rock, Arkansas, Nov. 11th, 1844.

SIR—Your favor of this date has just been handed to me, in which, on behalf of the judiciary committee, you desire my opinion upon the question now agitated before the General Assembly, as to a vacancy in the office of judge of the 1st judicial circuit.

Under the circumstances, my response must necessarily be brief, and the result of the examination that I have heretofore casually given to the subject. Judge Jones was elected at the session of 1842. The language of the constitution is, that "judges of the circuit courts shall be elected (by the General Assembly,) for the term of four years from the date of their commission." This language is clear and ex-

plicit, and can only be controlled by language equally clear and explicit, and upon a view of the constitution taken as a whole, manifesting a contrary intention.

In regard to all officers to be elected by the people, I conceive the intention to be manifest that they hold from one general election to another, and all appointments and elections to fill vacancies can only extend to the next general election, in order to preserve the simplicity and purity of the elective franchise. The decision of the case of *Smith vs. Halfacre*, reported in 6 Howard's Miss. Rep. p. 582, turns upon this reasoning. In that State the judiciary is elected directly by the people, without any special limitation of their term of office, and the court says to have those or any offices falling vacant at irregular periods, would be productive of confusion and embarrassment, in all the operations of government.

A similar question has arisen under the present constitution of the State of New York, and has been judicially determined in the case of *the People vs. Green*, 2 Wendall, 266, in regard to sheriffs, and in the *People vs. Contant*, 11 Wendall, 132, and S. C. affirmed, 11 Wendall, 511, in regard to a register for the city and county of New York; and also as I understand, in a case in regard to justices of the peace, reported 2 Cowen, which last case I have not seen. The language of the constitution, with respect to those offices, is, that they shall be chosen by the electors of the respective counties once in every three years, and as often as vacancies shall happen. It was there decided, notwithstanding the argument of inconvenience growing out of frequent, irregular and special elections by the people, that every officer of that class was elected for the term of three years, no matter when elected, and not for the unexpired term of his predecessor, in case of a vacancy. The supreme court and the high court of errors of New York, seem to regret this as a defect in their constitution, which can only be amended by an amendment of the constitution itself.

Under our constitution, I conceive that senators in the General Assembly and judges of the supreme court are to be elected at regular periods on account of the policy and object of their classification to secure permanency and stability by a gradual succession of members, and that in case of vacancy in those offices the election would always be for the unexpired term. But this reason does not apply to the judges of the several circuits.

I do not deem it necessary to account for the peculiar and marked phraseology of the constitution in regard to the tenure of the judicial office. But I can imagine it to have been the subject of conflicting opinions; and when the limited tenure was once settled upon in convention, that body considered it important to fix upon such precise periods as could not be extended or limited by legislative action.

I therefore incline to the opinion that when judge Jones was elected for the term prescribed by the constitution, he was elected for four years from the date of his commission; at the same time I feel it my duty to say, that this question is not free from doubt in my mind. I can suppose the case of judges elected at irregular or called sessions

of the General Assembly, according to the view I have taken, their commissions would expire at the like irregular periods, and those offices would necessarily remain vacant to the great prejudice of the people, until the next session of the General Assembly.

The whole subject is an open one in this State, and the question remains to be decided by the supreme court.

If judge Jones' commission expired at the expiration of the term for which his predecessor was elected, it is the duty of the present General Assembly to elect a judge for the first circuit. According to the received opinion, a failure to elect does not authorize the Governor to appoint, as in case of vacancy happening in the recess of the General Assembly. In that view of the case there could be no judge of the 1st judicial circuit until the next meeting of the General Assembly. I therefore advise an election, from which no evil can result, and I should consider that course on the part of the General Assembly as equivalent to a command on me to proceed at once to have the question presented before the supreme court by *quo warranto*, and definitely settled.

I have the honor to be, yours respectfully,

G. C. WATKINS, *Attorney General*.

HON. WM. W. FLOYD, *House of Representatives*.

Mr. Fowler called for the yeas and nays, and they were ordered and the roll called.

The members voting for the adoption of the majority report, are

Messrs. Alston, Bertrand, Bankhead, Bateman, Buike, Baltimore, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Caldwell, Cook, Collins, Dorris, Fowler, Foster, Garner, Gray, Hubbard, Hightower, Hall, Hardin, Hodges, Hays, Hughes, Lambert, Olive, Parks, Physic, Riggs, Russell, Robertson, Sanders, Scott, Simmons, Smith, Sutton, Tackett, Ward, Mr. Speaker—41.

The members voting in the negative, are

Messrs. Baltimore, Berry, Billingsly, Cromwell, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Floyd, Franks, Greenwood, Hammond, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Owens, Rust, Simpson, Shipp, Steele, Strain, Stubblefield, Simmons, Trapnall, Wells, Wilson of Washington, Wilson of Johnson—33.

So the report was adopted.

Mr. Rust, on leave given, reported as follows:

Mr. Speaker—The committee under a resolution of the House to receive proposals for the execution of the public printing during the present session of the General Assembly, beg leave to report, That the editors of the "Times and Advocate," the "Gazette," and the "Banner," have severally submitted proposals for the execution of the printing which may be required. The two first make specific bids, which for the information of the House accompany this report. The last proposes to perform the work with all practicable despatch, in a neat style, on good material, and be governed in his charges by the contract between Eli Colby and the State of Arkansas, two years ago, in relation to the same matter.

As far as the committee are capable of judging from a careful examination of the respective bids of the "Times and Advocate," and the "Gazette," and a comparison of the same with the contract on file in the secretary's office, between said Colby and the State of Arkansas, bearing date 15th Dec., A. D. 1842, at the same time taking into consideration the capabilities of the different offices offering bids to perform the labor in a manner most satisfactory to the House, and with a despatch which will facilitate its action, we are led to the conclusion that the public interest will be promoted by acceding to the proposition of S. Borland & Co., editors of the "Banner."

Which was read and adopted.

Persuant to previous notice Mr. Floyd introduced a bill entitled an act to abolish capital punishment.

Which was read a first time.

On motion of Mr. Floyd the resolution of the Senate, as contained in message of yesterday, resolving to go into the election of public printer this day, was taken up, and

Mr. Bertrand called for the ayes and noes upon the concurrence in its adoption, and they were ordered and the members voting for the concurrence are

Messrs. Bankhead, Berry, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Caldwell, Cromwell, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Hubbard, Hammond, Hightower, Hall, Hardin, Hays, Hughes, Logan, Mayers, Marshall, McCoy, Mitchell, Olive, Parks, Rust, Robertson, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—
51.

Members voting in opposition are.

Messrs. Alston, Bertrand, Bateman, Blakemore, Burke, Baltimore, Billingsly, Dorris, Fowler, Gray, Hodges, Lambert, Miller, Owens, Physic, Riggs, Russell, Sanders, Scott, Trapnall, Ward—21.

So the resolution was concurred in.

On motion of Mr. Culver the bids of the several printers were ordered to be put on file in the office of the secretary of State for future reference.

On motion of Mr. Fowler, Mr. Olive was added to the committee on internal improvement.

Mr. Duval offered the following:

Resolved, That the standing committee on banks be understood to refer particularly and exclusively to the State bank, and that a separate, special committee be appointed to investigate the condition &c. of the real estate bank.

Which was read and adopted.

The House now went into recess for the purpose of going into the election of judges and prosecuting attorneys, chief justice and public printer.

The Senate now appeared in the Representative Hall and were seated, and the resolution read explanatory of the purposes of the present convention.

When the Speaker announced that nominations for associate judge of the supreme bench to fill the vacancy caused by the resignation of the Hon. Geo. W. Paschall, were in order.

When Mr. Smith of the Senate nominated Mr. Williamson S. Oldham.

No other nominations being made the roll was called.

The members voting for Mr. Williamson S. Oldham are

Messrs. Alston, Bankhead, Bateman, Blakemore, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Caldwell, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorriss, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hightower, Hall, Hodges, Hays, Hughes, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust, Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—67.

Messrs. Bertrand, Burke, Baltimore, Fowler, Lambert, and Ward voted for Mr. W. K. Sebastian.

The members of the Senate who voted for Mr. Williamson S. Oldham are 23, making a joint vote of 90 votes.

Whereupon Mr. Speaker proclaimed that Williamson S. Oldham had received the majority of all the votes of the Legislature and was duly elected associate judge of the supreme bench for the unexpired term occasioned by the resignation of the Hon. Geo. W. Paschall.

Mr. Speaker now announced that nominations for chief justice of the supreme court of the State of Arkansas were in order.

Mr. Caldwell nominated Daniel Ringo.

Mr. Ficklin of the Senate nominated Thomas Johnson.

Mr. Yell of the Senate nominated Sam. C. Roane.

Mr. Irvin of the Senate nominated Wm. K. Sebastian.

No further nominations being made,

The rolls of the Senate and the House were called and the members of the House voting for Mr. Ringo are

Messrs. Bertrand, Bankhead, Burke, Baltimore, Booker, Brown of Sevier, Caldwell, Cook, Collins, Dorriss, Dawdy, Fowler, Foster, Gray, Hodges, Hughes, Lambert, Owens, Parks, Physick, Rust, Robertson, Scott, Simmons, Smith, Strain, Trapnall, Ward—28.

The members of the House who voted for Mr. Johnson are

Messrs. Alston, Bateman, Berry, Birney, Brown of Johnson, Cromwell, Croft, Clark of Independence, Clark of Carroll, Clark of Green, Floyd, Hubbard, Hammond, Hightower, Hardin, Hays, Marshall, McCoy, Mitchell, Olive, Riggs, Simpson, Shipp, Steele, Stubblefield, Sumner, Tackett, Wells, Wilson of Johnson—29.

The members of the House voting for Mr. Roane are

Messrs. Duval, Mayers, Sutton, and Mr. Speaker—4.

The members voting for Mr. Sebastian are

Messrs. Blakemore, Billingsly, Blackwell, Culver, Franks, Garner, Hall, Logan, Miller, Russell, Sanders, Wilson of Washington—12.

Mr. Greenwood voted for E. L. Johnson.

When the result was declared—

In the Senate for Mr. Ringo,	8
In the House of Reps.,	28
Making joint vote of	—36 votes.
In the Senate for Mr. Johnson,	8
In the House of Reps. do.	29
Joint vote,	—37 votes.
In the Senate for Mr. Roane,	3
In the House, do.	4
Joint vote,	—7 votes.
In the Senate for Mr. Sebastian,	4
In the House of Reps. do.	12
Joint vote,	—16

Whereupon Mr. Speaker announced that neither of the gentlemen nominated had received a majority of the votes,

The two Houses would proceed to ballot a second time.

When Mr. Sebastian withdrew, and the two Houses proceeded to ballot a second time.

The members of the House voting for Mr. Ringo are

Messrs. Bertrand, Bankhead, Burke, Baltimore, Blackwell, Booker, Brown of Sevier, Caldwell, Cook, Collins, Dorris, Dawdy, Fowler, Foster, Franks, Gray, Hodges, Lambert, Owens, Parks, Physick Rust, Robertson, Scott, Simmons, Smith, Strain, Trapnall, Ward—29.

The members of the House voting for Mr. Johnson are

Messrs. Alston, Bateman, Blakemore, Berry, Billingsly, Birney, Brown of Johnson, Cromwell, Croft, Clark of Independence, Clark of Carroll, Clark of Green, Floyd, Hubbard, Hammond, Hightower, Hall, Hardin, Hays, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Riggs, Russell, Sanders, Simpson, Shipp, Steele, Stubblefield, Sumner, Tackett, Wells, Wilson of Johnson, Wilson of Washington—38.

The members voting for Mr. Roane are

Messrs. Culver, Garner, Sutton and Mr. Speaker—4.

Two scattering votes.

In the Senate Mr. Ringo received	10 votes.
In the House Mr. Ringo do.	29 votes.
Joint vote	—39
In the Senate Mr. Johnson received	13 votes.
In the House do. do.	38
Joint vote	—51

In the House there were 3 scattering votes.

When Mr. Speaker proclaimed that Mr. Thomas Johnson had received a majority of all the votes and was duly elected chief justice of the State of Arkansas for the term prescribed by law.

Mr. Speaker now announced that nominations for judge of the second judicial circuit of the State of Arkansas were in order.

When Mr. Yell of the Senate nominated Wm. H. Sutton.

Mr. Rust nominated Isaac Baker.

No further nominations being made, the rolls of the two Houses were called.

The members of the House voting for Mr. Sutton are

Messrs. Alston, Blakemore, Burke, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Caldwell, Cromwell, Collins, Culver, Clark of Independence, Clark of Carroll, Dawdy, Floyd, Greenwood, Hightower, Hall, Hardin, Hodges, Hays, Logan, Lambert, McCoy, Miller, Olive, Riggs, Sanders, Scott, Simmons, Shipp, Steele, Strain, Sumner, Tackett, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—41.

The members of the House voting for Mr. Baker are

Messrs. Bertrand, Bateman, Baltimore, Booker, Brown of Sevier, Cook, Croft, Clark of Green, Dorriss, Duval, Fowler, Foster, Franks, Garner, Gray, Hubbard, Hammond, Hughes, Mayers, Marshall, Mitchell, Owens, Parks, Physick, Rust, Russell, Robertson, Simpson, Smith, Stubblefield, Sutton, Trapnall—33.

In the Senate Mr. Sutton received	9 votes.
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In the House	41 votes.
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Joint vote	—50
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In the Senate Mr. Baker received	14 votes.
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In the House	33 votes.
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Joint vote	—47
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Whereupon Mr. Speaker proclaimed that Mr. Sutton had received a majority of all the votes and was duly elected judge of the second judicial circuit for the term prescribed by law.

The Speaker now annouced that nominations for judge of the 3d judicial circuit were in order.

Mr. Marshall of the House nominated William Conway B.

Mr. Mayers of the House nominated William C. Scott.

No further nominations, the roll of each House was called.

The members of the House who voted for William Conway B. are

Messrs. Bankhead, Bateman, Blakemore, Burke, Baltimore, Billingsly, Blackwell, Birney, Brown of Johnson, Brown of Sevier, Caldwell Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorriss, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hammond, Hightower, Hall, Hodges, Hays, Hughes, Logan, Lambert, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust, Robertson, Scott, Shipp, Smith, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—57.

The members of the House voting for Mr. William C. Scott are

Messrs. Alston, Bertrand, Berry, Booker, Duval, Fowler, Hubbard, Hardin, Mayers, Russell, Sanders, Simmons, Simpson, Strain, Steele, Trapnall, Ward—17.

In the Senate Mr. Conway received	18 votes.
In the House	57 votes.
Joint ballot	—75
In the Senate Mr. Scott received	5 votes.
In the House	17 votes.
Joint vote	—22

When Mr. Speaker proclaimed that Mr. William Conway B. had received a majority of all the votes, and was duly elected judge of the 3d judicial circuit for the term prescribed by law.

Mr. Speaker announced that nominations for judge of the 4th judicial circuit were in order.

Mr. McCamy of the Senate nominated Seborn G. Sneed.

Mr. Birney of the House, nominated Alfred W. Wilson.

No further nominations, the roll of each House was called.

The members of the House voting for S. G. Sneed are, Messrs. Alston, Bankhead, Bateman, Blakemore, Burke, Billingsly, Blackwell, Booker, Brown of Johnson, Brown of Sevier, Caldwell, Cook, Croft, Collins, Clark of Independence, Dorris, Duval, Floyd, Foster, Fowler, Garner, Gray, Hammond, Hightower, Hall, Hays, Hughes, Logan, Mayers, McCoy, Miller, Owens, Physick, Riggs, Rust, Scott, Smith, Steele, Sutton, Wilson of Johnson, Wilson of Washington, Mr. Speaker—42.

The members voting for Mr. Wilson are, Messrs. Bertrand, Baltimore, Berry, Birney, Cromwell, Culver, Clark of Carroll, Clark of Green, Dawdy, Franks, Greenwood, Hubbard, Hardin, Hodges, Lambert, Marshall, Mitchell, Olive, Parks, Russell, Robertson, Sanders, Simpson, Shipp, Strain, Stubblefield, Sumner, Tackett, Trapnall, Ward, Wells—31. Mr. Simmons voted for Hoge.

In the Senate Mr. Sneed received	11 votes.
In the House,	42 votes.
Joint vote,	—53
In the Senate Mr. Wilson received	11 votes.
In the House,	31
Joint vote,	—42

When Mr. Speaker proclaimed that Mr. Sneed had received a majority of all the votes, and was duly elected judge of the 4th judicial circuit for the term prescribed by law.

Mr. Speaker announced that nominations for judge of the 5th judicial circuit were in order.

Mr. Caldwell nominated Hon. John J. Clendenin.

No other nominations being made, the rolls of the two Houses were called, and in the Senate Mr. Clendenin received 23 votes.

In the House,	74 votes.
Joint vote,	—97

When Mr. Speaker proclaimed that Mr. Clendenin had received all the votes of the two Houses, and was unanimously elected judge of the 5th judicial circuit for the term prescribed by law.

Mr. Speaker then announced that nominations were in order for judge of the 7th judicial circuit.

Mr. Floyd of the House nominated John O. Hightower.

Mr. Bankhead of the House, nominated Geo. Conway.

The roll of each House was called.

The members of the House voting for Mr. Hightower are, Messrs. Burke, Baltimore, Berry, Blackwell, Brown of Johnson, Caldwell, Croft, Culver, Dorriss, Duval, Floyd, Foster, Franks, Hubbard, Logan, Lambert, Mayers, McCoy, Sanders, Simmons, Shipp, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Mr. Speaker—27.

The members of the House voting for Mr. Conway are, Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Billingsly, Booker, Birney, Brown of Sevier, Cromwell, Cook, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dawdy, Fowler, Greenwood, Garner, Gray, Hammond, Hightower, Hall, Hardin, Hodges, Hays, Hughes, Marshall, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust, Russell, Robertson, Scott, Simpson, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Wilson of Washington—46.

In the Senate Mr. Hightower received	3 votes.
In the House,	27 votes.
Joint ballot,	—30
In the Senate Mr. Conway received	20 votes.
In the House,	46 votes.
Joint votes,	—66

When Mr. Speaker proclaimed that Mr. Conway had received a majority of all the votes, and was duly elected judge of the 6th judicial circuit, for the term prescribed by law.

Mr. Speaker now announced that nominations for prosecuting attorney in the 1st judicial circuit would be in order.

Mr. Croft of the House, nominated N. M. Foster.

Mr. Blackwell of the House, nominated Wm. N. Stanton.

No further nominations being made, the roll of each House was called.

The members of the House voting for Mr. Foster are, Messrs. Alston, Berry, Billingsly, Booker, Brown of Johnson, Brown of Sevier, Caldwell, Cromwell, Croft, Culver, Duval, Floyd, Foster, Franks, Garner, Hammond, Hightower, Hardin, Hodges, Hays, Hughes, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Riggs, Russell, Sanders, Scott, Simmons, Simpson, Smith, Strain, Stubblefield, Sumner, Wells, Wilson of Washington, Mr. Speaker—42.

The members of the House voting for Mr. Stanton are, Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Baltimore, Blackwell, Birney, Cook, Collins, Clark of Independence, Clark of Carroll, Clark of Green, Dorriss, Fowler, Greenwood, Gray, Hubbard, Hall, Lambert, Olive, Owens, Parks, Physick, Robertson, Shipp, Tackett, Trapnall, Ward, Wilson of Washington—30.

In the Senate Mr. Foster received	7 votes.
In the House,	42 votes.
Joint votes,	—49

In the Senate Mr. Stanton received	16 votes.
In the House,	30 votes.
Joint votes,	—46

When Mr. Speaker proclaimed that Mr. N. M. Foster had received a majority of all the votes, and was duly elected prosecuting attorney for the first judicial circuit, for the term prescribed by law.

Mr. Speaker now announced that nominations were in order for prosecuting attorney for the 2d judicial circuit.

Mr. Yell of the Senate nominated Mr. Joseph W. Bocage.

No further nominations being made, the roll of each House was called, and Mr. Bocage received the unanimous vote.

In the Senate,	23 votes.
In the House,	72 votes.
Joint votes,	—95

When Mr. Speaker proclaimed that Mr. Joseph W. Bocage had received the unanimous vote of both Houses, and was duly elected prosecuting attorney for the 2d judicial circuit for the term prescribed by law.

Mr. Speaker announced that nominations for prosecuting attorney for the 3d judicial circuit were in order.

Mr. Pelham of the Senate nominated Mr. A. R. Porter.

No further nominations being made, the roll of each House was called, and the members of the House voting for Mr. Porter are, Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Baltimore, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Brown of Sevier, Caldwell, Cromwell, Cook, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Duval, Dawdy, Floyd, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hardin, Hodges, Hays, Hughes, Logan, Lambert, Mayers, Marshall, McCoy, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust, Russell, Robertson, Sanders, Scott, Simpson, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—67.

Messrs. Miller, Simmons, Shipp and Mr. Speaker, voted for Mr. Ficklin.

In the Senate Mr. Porter received	20 votes.
In the House,	67 votes.
Joint vote,	—87 votes.

Whereupon, Mr. Speaker proclaimed that Mr. Porter had received a majority of all the votes, and was duly elected prosecuting attorney for the 3d judicial circuit, for the term prescribed by law.

Mr. Speaker now announced that nominations for prosecuting attorney for the 4th judicial circuit were in order.

Mr. Wilson of Washington, nominated Mr. Isaac Murphy.

Mr. Clark of Carroll nominated Mr. A. R. Greenwood.

There being no further nominations, the roll of each House was called.

The members of the House voting for Mr. Murphy are, Messrs. Alston, Blakemore, Billingsly, Blackwell, Brown of Sevier, Duval,

Foster, Greenwood, Hubbard, Hardin, Marshall, Miller, Owens, Parks, Physick, Russell, Sanders, Scott, Smith, Strain, Sumner, Sutton, Wilson of Washington—23.

The members of the House voting for Mr. Greenwood are, Messrs. Bertrand Bankhead, Burke, Baltimore, Berry, Booker, Birney, Brown of Johnson, Caldwell, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Dawdy, Floyd, Fowler, Franks, Garner, Gray, Hammond, Hall, Hodges, Hughes, Hays, Logan, Lambert, Mayers, McCoy, Mitchell, Olive, Riggs, Rust, Robertson, Simmons, Simpson, Steele, Stubblefield, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Mr. Speaker—49.

Mr. Cook voted for Mr. Speaker.

In the Senate Mr. Murphy received	9 votes.
In the House,	23
Joint vote,	—32 votes.
In the Senate Mr. A. B. Greenwood received	13 votes.
In the House,	49 votes.
Joint vote,	—62

Mr. Speaker proclaimed that Mr. Greenwood had received a majority of all the votes, and was duly elected prosecuting attorney for the 4th judicial circuit for the period prescribed by law.

Mr. Speaker announced that nominations for prosecuting attorney of the 5th judicial circuit were in order.

Mr. Caldwell nominated Mr. Geo. C. Watkins.

No other nomination being made, the rolls of both Houses were called, and Mr. Watkins received the unanimous vote of the same.

In the Senate,	22 votes.
In the House,	69 votes.
Joint vote,	— 91 votes.

When Mr. Speaker proclaimed that Mr. Geo. C. Watkins had received the unanimous vote of both Houses, and was duly elected prosecuting attorney for the 5th judicial circuit, for the term prescribed by law.

Mr. Speaker now announced that nominations for prosecuting attorney in the 6th judicial circuit were in order.

Mr. Berry of the House nominated Mr. A. W. Blevins.

There being no further nominations, the roll of each House was called, and Mr. Blevins received the unanimous vote of both Houses.

In the Senate,	20 votes.
In the House,	70 votes.
Joint vote,	— 90 votes.

Mr. Speaker now proclaimed that Mr. A. W. Blevins had received the unanimous vote of both Houses, and was duly elected prosecuting attorney for the 6th judicial circuit for the term prescribed by law.

Mr. Speaker announced that nominations were in order for prosecuting attorney for the 7th judicial circuit.

Mr. Mayers of the House, nominated Wm. Walker.

Mr. Brown of Johnson, nominated John M. Wilson.

Mr. Berry nominated Jonas M. Tibbetts.

No further nominations were made.

The members of the House voting for Mr. Walker are, Messrs. Bertrand, Bankhead, Blakemore, Booker, Brown of Sevier, Caldwell, Cook, Croft, Culver, Clark of Green, Duval, Fowler, Foster, Franks, Garner, Hughes, Mayers, Miller, Owens, Parks, Rust, Russell, Scott, Strain, Trapnall, Wilson of Washington, Mr. Speaker—28.

For Mr. J. M. Wilson, Messrs. Birney, Brown of Johnson, Clark of Independence, Clark of Carroll, Dawdy, Floyd, Greenwood, Hubbard, McCoy, Physick, Sanders, Tackett, Wilson of Johnson—13.

For Mr. Jonas M. Tibbatts, Messrs. Alston, Bateman, Burke, Berry, Billingsly, Blackwell, Cromwell, Gray, Hammond, Hall, Hardin, Hodges, Hays, Logan, Lambert, Marshall, Mitchell, Olive, Riggs, Robertson, Simmons, Simpson, Shipp, Smith, Steele, Stubblefield, Sumner, Sutton, Ward, Wells—30.

No choice being made, the two Houses went into a second balloting.

The roll was called, and the members of the House voting for Mr. Walker are, Messrs. Bertrand, Bankhead, Burke, Baltimore, Booker, Brown of Sevier, Caldwell, Cook, Croft, Clark of Green, Duval, Fowler, Foster, Franks, Garner, Hughes, Lambert, Mayers, McCoy, Miller, Owens, Parks, Physick, Rust, Russell, Robertson, Scott, Strain, Sutton, Trapnall, Wilson of Washington, Mr. Speaker—32.

For Mr. Wilson are, Messrs. Birney, Brown of Johnson, Clark of Independence, Clark of Carroll, Floyd, Greenwood, Hubbard, Sanders, Wilson of Johnson—9.

For Mr. Tibbetts are, Messrs. Alston, Bateman, Blakemore, Berry, Billingsly, Blackwell, Cromwell, Culver, Dawdy, Gray, Hammond, Hall, Hardin, Hodges, Hays, Logan, Marshall, Mitchell, Olive, Riggs, Simmons, Simpson, Shipp, Smith, Steele, Stubblefield, Sumner, Tackett, Ward, Wells—30.

In the Senate Mr. Walker received	1 vote.
In the House,	32 votes.
Joint vote,	— 33 votes.
In the Senate Mr. Wilson received	1 vote.
In the House,	9 votes.
Joint vote,	— 10 votes.
In the Senate Mr. Tibbetts received	20 votes.
In the House,	30 votes.
Joint vote,	— 50 votes.

Mr. Speaker proclaimed that Mr. Tibbetts had received a majority of all the votes, and was duly elected prosecuting attorney for the 7th judicial circuit for the term prescribed by law.

Mr. Speaker now announced that nominations for public printer were in order.

Mr. Berry nominated Messrs. Solon Borland & Co.

No other nominations were made.

The members of the House who voted for S. Borland & Co. are, Messrs. Alston, Bankhead, Bateman, Blakemore, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier,

Caldwell, Cromwell, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hardin, Hodges, Hays, Hughes, Logan, Lambert, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust, Russell, Sanders, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—63.

Mr. Bertrand refused to vote.

Mr. Baltimore voted for Cyrus W. Weller.

Mr. Fowler voted for J. W. Locke.

In the Senate S. Borland & Co. received	19 votes.
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In the House,	63 votes.
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Joint vote,	— 82 votes.
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When the Speaker proclaimed that S. Borland & Co. had received a majority of all the votes, and were duly elected public printers for this session of the legislature of Arkansas.

The business for which the two Houses had convened being now disposed of, the Senate withdrew.

On motion of Mr. Wells, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, November, 13th 1844.

The House met pursuant to adjournment.

Mr. Fowler presented a petition of sundry citizens of Pulaski county praying a change of labor at the penitentiary, so as not to conflict with the mechanical industry of the State.

Which, on motion of Mr. Fowler, was referred to a select joint committee of 5 on part of the House.

Mr. Speaker appointed Messrs. Fowler, Caldwell, Dawdy, Owens and Sutton on part of the House.

And on further motion of Mr. Fowler, that part of the Governor's message on the same subject, was referred to the same committee, and the Senate informed thereof by message

Mr. Caldwell from the committee on the judiciary, to whom was referred the bill entitled "an act to punish embezzlement," on leave given, reported the bill back to the House with several amendments inserting lines left blank in the original bill.

Which was adopted, and the bill ordered engrossed for a third reading on to-morrow.

Mr. Collins from the joint select committee appointed to draft joint rules for this legislature, on leave given, reported back to this House the old rules of 1842.

Which were adopted, and 150 copies ordered to be printed.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolution:

Resolved by the Senate and House of Representatives of the State of Arkansas, That our Senators in the Congress of the United States be instructed and our Representative be requested to procure, if practicable, a change in the mail route from Columbia in Arkansas, to Monroe in Louisiana, so that the said mail route shall commence at Bartholomew post office instead of Columbia; and the House of Representatives are respectfully asked to concur herein.

Mr. Greenwood from the select committee to whom was referred the bill to be entitled "an act to repeal the 3d section of an act prescribing the time of holding the circuit courts for the several judicial circuits, approved the 1st day of February, 1843," on leave given, reported the same back to the House with an amendment.

Which was approved, and the bill ordered engrossed for to-morrow.

On motion of Mr. Hightower, the vote on the majority report of the judiciary committee, concerning a vacancy of the judgeship in the first judicial circuit, was reconsidered.

When on motion of Mr. Rust, the two reports of both majority and minority were recommitted.

Pursuant to notice, Mr. Rust introduced a bill to reduce the rate of interest, and to prevent persons from involving themselves in debt."

Which was read a first time.

Mr. Croft gave notice that on Friday next he would ask leave to introduce a bill to attach the county of Green to the 3d judicial circuit.

Mr. Fowler, gave notice that on Monday next he would ask leave to introduce an act to amend the law concerning the lien of mechanics."

Mr. Collins gave notice that on to-morrow he would ask leave to introduce a bill for the relief of E. L. Johnson, and for other purposes.

Mr. Scott introduced a joint resolution, instructing our Senators and requesting our Representative to procure the establishment of a mail route from Little Rock to Fort Smith, on the south side of the Arkansas river, and for other purposes.

Which was read a first time.

Mr. Wells of Fulton, offered the following:

Resolved, That the county of Fulton be furnished with her proportional share of the copies of the revised statutes, and also with the decisions of the supreme court, and the concurrence of the Senate is asked thereto.

Mr. Cook of White, gave notice that on Tuesday next he would introduce a memorial to the Congress of the United States.

Mr. Parks offered the following:

Resolved, That the committee on the judiciary be instructed to report to the General Assembly, all laws contained in the revised stat-

utes of Arkansas, and all acts preceding, that have been declared unconstitutional by the supreme court of this State, and that the Senate be requested to concur herein.

Was read, and made the order of the day on to-morrow.

Mr. Parks pursuant to notice, introduced a bill altering the 10th section of article 6 of the constitution of the State of Arkansas, in respect to the election of county judges."

Which was read the first time.

On motion of Mr. Riggs, the committee on internal improvements were made a joint committee.

Mr. McCoy, on leave given, introduced a bill changing the time of holding the circuit court in Jackson county.

Which was read a first time.

Mr. Duval gave notice that on Wednesday next, he would ask leave to introduce a bill amendatory to the 2d section of an act entitled an act prescribing the time of holding the circuit courts of the several judicial circuits.

Mr. Floyd gave notice that on to-morrow he would ask leave to introduce a bill to repeal the 80th chapter of the revised statutes under the head of interest, so as to provide that not more than six per cent. per annum shall be collected, and for other purposes.

Mr. Birney, on leave introduced a bill to be entitled "an act for the relief of Charles Sneed, late sheriff and collector of Carroll county."

Which was read.

Mr. Brown of Sevier, on leave given, introduced a bill to be entitled "an act amendatory of the 54th chapter of the revised statutes of Arkansas, approved 28th February, 1838."

Which was read

On motion of Mr. Rust, the business on the Speaker's table was taken up.

The report of the receivers of the principal bank at Little Rock, was taken up and read, and on motion of Mr. Mayers, was referred to the committee on banks, with its accompanying documents.

Mr. Rust's resolution relating to the petition of the Hon. A. H. Sevier was taken up and read and adopted, and the Senate informed thereof by message.

PETITION OF THE HON. AMBROSE H. SEVIER.

To the Senate and House of Representatives,

of the Legislature of the State of Arkansas:

Your petitioner, AMBROSE H. SEVIER, recently a citizen of Chicot and now of Jefferson county, in the State of Arkansas, respectfully represents to your honorable bodies, that in the House of Representatives, at the last session of the legislature of Arkansas—to wit: on Friday, the 8th of November, 1842, an inquiry was instituted, on the motion of Mr. Gibson, the then member from the county of Hot Spring, into the conduct of your petitioner, as one of the agents of the Real Estate bank of the State of Arkansas, in the disposition of sundry bonds belonging to said bank, and of the funds arising from such sale, &c., &c.

Your petitioner further represents to your honorable bodies, that the committee having charge of the subject were directed to report, and did report upon the aforesaid subject, prior to the day designated by your honorable bodies for the election of a Senator to the Congress of the United States from the State of Arkansas; and this report fully and completely exonerated your petitioner from all blame in the aforesaid negotiation and disposition of the funds arising from such negotiation. Your petitioner would further represent, that, after the aforesaid reports were made, he was elected a Senator to the Congress of the United States, from the State of Arkansas, and, immediately after, left Little Rock, for the city of Washington; and was there, for weeks, ignorant of the proceedings of the legislature aforesaid, and did not know, until the whole subject had been disposed of, that a further investigation had been had into his conduct as agent of the bank, and that a report upon such further investigation had been made to the House of Representatives, and adopted by that honorable body, by a majority of six votes, reflecting upon his integrity as a man, his fidelity as an agent, and attributing to that cause, in part, the downfall of the Real Estate bank. Your petitioner would further represent, that the report aforesaid, in many other respects, in consequence of its statements being garbled and incomplete, does him, in his conception, very great injustice, and is but too well calculated to create in the public mind, a false impression greatly to the injury of your petitioner.

Having the constitutional right, as a citizen of the State, (and having had no previous opportunity to do so) to petition respectfully your honorable bodies, for a redress of any grievance your petitioner may have received at the hands either of yourselves or in your honorable predecessors, your petitioner would respectfully ask of your honorable bodies to refer the report aforesaid, which is to be found in the journals of the House of Representatives, of the last session of the legislature, on page 76 of the appendix, together with all the testimony and documents thereunto appended, to a committee, with power to send for persons and papers, in order that *the truth, the whole truth and nothing but the truth*, in regard to this agency, may be ascertained; and that full and complete justice may be done between him and the authors and endorses of that report.

And should the facts in this re-investigation be found to be as your petitioner firmly believes they will be, he owes it to himself, to his family and friends, and to his country, to ask of your honorable bodies (*the form, to him, being wholly immaterial*), that redress to which your honorable bodies may consider your petitioner entitled. And, as in duty bound, your petitioner will ever pray.

Respectfully, your ob't serv't,

A. H. SEVIER.

On motion of Mr. Rust, the House adjourned.

THURSDAY MORNING, 9 o'clock, November 14th, 1844.
The House met pursuant to adjournment.

Mr. Speaker appointed a committee of seven members of the House, pursuant to yesterday's resolution, raised on the investigation of the subject matter contained in the petition of the Hon. A. H. Sevier, to this General Assembly, consisting of Messrs. Rust, Greenwood, Owens, Sutton, Marshall, Lambert, Collins, Floyd and Mayers.

On motion of Mr. Duval, leave of absence was granted to Mr. Mayers, on account of indisposition.

Mr. Blackwell presented a petition from a Mr. Elijah Smith Parrott, praying a change in his christian name, from Elijah Smith Parrott, to William Elijah Smith Parrott, which was read, and

On motion of Mr. Blackwell, was referred to a select committee, consisting of Messrs. Blackwell, Clark, of Independence, and Parks.

Mr. Hall, of Poinsett, presented a petition from sundry citizens of Poinsett county, asking that an act be passed, authorizing one Redding Busby to hawk and peddle without license.

Which was read and referred to a select committee, consisting of Messrs. Hall, Sanders, Collins and Croft.

Mr. Brown, of Sevier, from the committee, to whom was referred the petition of sundry citizens of Sevier county, praying the erection of a separate county, from the now territory of Sevier county, on leave, reported by bill, to be entitled "an act to establish the county of Liberty."

Which was read a first time,

And on motion of Mr. Trapnall, the rules of the House were suspended, and the bill read a second time, and referred to the standing committee on counties and county lines.

Pursuant to notice, Mr. Collins introduced a bill entitled "an act for the relief of Euclid L. Johnson,"

Which was read a first time, and on motion of Mr. Collins, was read a second time,

And referred to the committee on ways and means.

Mr. Scott gave notice, that on to-morrow, he would introduce a bill to repeal "an act to authorize a geological examination of the State of Arkansas."

Mr. Scott offered a resolution, amendatory of the constitution of the State of Arkansas, in relation to circuit courts, and judicial districts.

Mr. Wilson, of Washington, gave notice, that on to-morrow, he would introduce a bill to be entitled "an act to change the time of holding the probate courts in the several counties in this State.

Pursuant to notice, Mr. Wilson, of Johnson, introduced a bill to provide for the more certain sale of property under execution.

Which was read a first time.

Pursuant to notice, Mr. Bankhead introduced a bill to be entitled "an act to change the time of holding the general elections in this State,"

Which was read a first time,

And, on motion of Mr. Bankhead, the rules were suspended, and the bill read a second time, and referred to a select committee of seven, consisting of Messrs. Bankhead, Strain, Trapnall, Floyd, Duval, Blackwell, Baltimore.

Mr. Logan gave notice, that on Saturday next, he would ask leave to introduce a bill, granting a charter for, and authorizing George W. Lemoyne, to erect a toll bridge across Point Remove creek, near its junction with the Arkansas river, in Conway county.

Mr. Parks gave notice, that on to-morrow, he would ask leave to introduce a bill to be entitled "an act to facilitate the collection of debts, by providing an easy mode of instituting and conducting suits at law, founded on writings obligatory, bills of exchange, and promissory notes."

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred with the House of Representatives, in referring the petition of sundry citizens of Pulaski county, praying a change of labor at the penitentiary, so as not to conflict with the mechanical industry of the State," to a joint select committee, and have appointed Messrs. Newton, Smith, and McCamy, on the part of the Senate.

Pursuant to notice, Mr. Dorris introduced a bill to be entitled "an act concerning limitations," which was read a first time,

Message from the Senate by secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the enclosed joint resolution, remonstrating against the passage of any law by Congress, for the distribution of the sales of the public lands, &c.

Which was taken up and read a first time.

On motion of Mr. Floyd, the orders of the day were taken up.

The joint resolution of the House, asking from the Congress of the United States, a modification of the compact between the United States and the State of Arkansas, relative to the seventy-two sections of seminary land, was taken up and read a second time.

Message from the executive by Col. L. J. Reardon, private secretary.

To the Honorable the Speaker of the House of Representatives:

In conformity with a resolution, calling upon the executive for information as to the names of all locating agents, appointed to select the 500,000 acres of land, donated to the State by Congress, the amount of compensation paid each, and the quantity of land by each agent located.

I have the honor to submit the annexed statement.

Very respectfully,

THOS. S. DREW.

EXECUTIVE DEPARTMENT,

November 14, 1844.

Which statement is ordered to a reading to-morrow.

The bill of the House, entitled "an act to punish embezzlement," was taken up and read.

Mr. Scott offered to amend the bill by adding after the word "State," in the 6th line, in 1st section, "all attorneys and collectors."

Mr. Wilson, of Washington, called for the ayes and nays on the adoption of the amendment, and they were ordered.

The members voting in the affirmative are,

Messrs. Alston, Bateman, Billingsly, Blackwell, Birney, Cromwell, Collins, Culver, Clark, of Independence, Clark, of Carroll, Clark, of Green, Dawdy, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hardin, Logan, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Rust, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Wells, Wilson, of Washington—43.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Blakemore, Burke, Baltimore, Berry, Booker, Brown, of Johnson, Brown, of Sevier, Caldwell, Cook, Dorris, Duval, Floyd, Fowler, Foster, Hightower, Hughes, Lambert, Owens, Sutton, Trapnall, Ward, Wilson, of Johnson, Mr. Speaker—25.

So the amendment was adopted.

Mr. Bertrand then would amend the amendment, by adding, "and all persons who do not promptly pay their debts."

Which motion to amend was lost

On motion of Mr. Greenwood, the bill was ordered to be printed and made the order of the day on Monday next, in committee of the whole House.

Message from the Senate by secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolutions of the House of Representatives, referring the petition of the Hon. A. H. Sevier, to a select joint committee.

The committee on the part of the Senate are, Messrs. Smith, McCamy and Yell.

The bill of the House, entitled "an act to repeal the 3d section of "an act, prescribing the time of holding the circuit courts for the several judicial circuits, approved the 1st day of February, 1843," was read a 3d time and passed, and sent to the Senate for their assent thereto.

On motion of Mr. Clark, of Carroll, leave of absence was granted Mr. Robertson.

The resolution of yesterday, of the gentleman from Fulton, respecting the distribution of the revised statutes and decisions of the supreme court, was taken up and adopted, and the Senate informed thereof by message.

The resolution of the House, concerning the different donations of land to the State of Arkansas by the United States, giving the Legislature of this State, unconditional control over the same, was taken up and read a third time on its passage.

Mr. Bertrand called for the ayes and nays, and they were ordered.

The members voting for the resolution are,

Messrs. Alston, Bankhead, Blakemore, Burke, Baltimore, Berry, Billingsly, Blackwell, Booker, Birney, Brown, of Johnson, Brown, of Sevier, Cromwell, Culver, Clark, of Independence, Clark, of Green, Duval, Floyd, Foster, Franks, Greenwood, Garner, Hubbard, Hammond

Hall, Harden, Hughes, Logan, Lambert, Marshall, Mitchell, Parks, Rust, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Stubblefield, Sumner, Tackett, Wilson, of Johnson, Wilson, of Washington, Mr. Speaker—48.

The members voting in opposition are,

Messrs. Bertrand, Bateman, Caldwell; Cook, Collins, Dawdy, Fowler, Gray, Hightower, McCoy, Miller, Olive, Owens, Riggs, Strain, Sutton, Trapnall, Ward, Wells—19.

So the resolution was adopted, and transmitted to the Senate for their assent.

On motion of Mr. Logan, leave of absence was granted Mr. Hays.

In conformity to a resolution of Tuesday, the Speaker appointed a committee of seven, to examine into the condition and concerns of the Real Estate Bank, consisting of Messrs. Bertrand, Strain, Mayers, Ward, Culver, Booker and Garner.

The bill of the House, entitled "an act, altering the time of holding the circuit court in Jackson county,"

Was taken up and read a second time.

When Mr. McCoy amended the bill, by inserting in the first section, "the 4th Monday of January next," instead of the last Monday in February next.

Mr. Fowler amended by adding two distinct sections after the first section.

On motion of Mr. Fowler, the bill was ordered engrossed in the orders of to-morrow.

The joint resolution of the House, asking Congress to pass a law authorizing the sale of half quarter sections of land, for the purpose of accommodating actual settlers, in east and west divisions, was taken up and read a second time.

The joint resolution of the House, asking Congress to establish a mail route from Little Rock to Fort Smith, on the south side of the Arkansas river, was taken up and read, and referred to a select committee, consisting of Messrs. Scott, Caldwell and Billingsly.

The joint resolution of the House of yesterday, instructing the judiciary committee, to report all acts and laws that have been declared unconstitutional by the supreme court, was taken up and read, and laid on the table indefinitely.

The bill of the House, entitled "an act to change the mode of voting from *viva voce*, to voting by ballot, was taken up and read a second time,

And on motion of Mr. Bertrand, was referred to a select committee of five, consisting of Messrs. Bertrand, Blackwell, Floyd, Steele and Clarke, of Carroll.

On motion of Mr. Duval, the House adjourned.

FRIDAY MORNING, 9 o'clock, Nov. 15th, 1844.

The House met pursuant to adjournment.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Strain, from the committee on education, to whom was committed a bill to be entitled "an act to repeal the 37, 38 and 42 sections of an act entitled an act to establish a system of common schools in the State of Arkansas," on leave given, reported that the committee disapprove the bill in *toto*.

On motion of Mr. Greenwood, the report was laid on the table.

Mr. Collins, from the committee on ways and means, to whom was referred the bill for the relief of Euclid L. Johnson, on leave given, reported, recommending the passage of the same.

Reports from select committees were in order.

Mr. Blackwell, from the select committee on the petition of Elijah Smith Parrott, on leave, reported by bill entitled "an act to change the name of Elijah Smith Parrott."

Mr. Scott, from the committee to whom was referred the resolution to Congress to establish a post route from Little Rock to Fort Smith, on the south side of the Arkansas river, on leave given, reported, commendatory of the passage, with an amendment; which amendment was adopted.

On motion of Mr. Bertrand, the joint select committee on the bank, receiving communication in relation to the debt in New York, and the further prosecution of the case now in suit in that city.

The committee were discharged from further consideration.

Motions and resolutions were now in order.

Mr. Croft, pursuant to notice, introduced a bill entitled "an act to alter and amend the 5th and 9th sections of an act prescribing the time of holding the circuit courts for the several judicial circuits."

Which was read a first time.

Mr. Marshall of Lawrence, offered:

Resolved, That there be a committee of five appointed, whose duty it shall be to take into consideration the propriety of passing a law for the purpose of limiting medical men in their charges, and also of classing their claims on an equality with other claims against the estates of deceased persons, and that the committee be requested to report by bill or otherwise, as soon as practicable.

Mr. Duval moved to lay on the table.

Mr. Marshall called for the ayes and nays, and they were ordered.

The members voting in the affirmative, are

Messrs. Bertrand, Bankhead, Bateman, Booker, Brown of Sevier, Caldwell, Cromwell, Collins, Culver, Clark of Green, Dorris, Duval, Dawdy, Floyd, Fowler, Foster, Garner, Hightower, Hardin, Hodges, Logan, Lambert, Mayers, Olive, Physic, Rust, Russell, Smith, Strain, Sutton, Trapnall, Ward, Wilson of Johnson, Mr. Speaker—34.

The members voting in the negative, are

Messrs. Alston, Blakemore, Burke, Baltimore, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Cook, Croft, Clark of Independence, Clark of Carroll, Franks, Greenwood, Gray, Hubbard,

Hammond, Hall, Marshall, Miller, Mitchell, Owens, Parks, Riggs, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Steele, Stubblefield, Sumner, Tackett, Wells, Wilson of Washington—37.

So the motion was lost.

Mr. Duval would amend by adding :

And limit them also in the quantity of their does, and also that steam doctors and pill venders, root doctors and horse doctors, be included.

Which was lost.

Mr. Speaker, upon examination of journal, decided that as a like resolution had been before the House at a previous period and voted down, that the present resolution was out of order, and ought not to be considered.

Mr. Blackwell appealed from the decision of the chair.

When the journals were read, and were found to have recorded therein a resolution containing matter and words precisely the same as to subject matter contained in part of the present resolution, and the House sustained the decision of the chair in declaring the presentation of the resolution unparliamentary and out of order.

Pursuant to notice, Mr. Bankhead introduced a bill to be entitled "an act to incorporate Spring Hill male academy."

Was read a first time.

Mr. Mayers offered the following :

Resolved, That the committee on internal improvements be requested to inquire into the expediency of repealing the existing road law, and also the expediency of giving to the county judges of the county court the power to compel the citizens of the respective counties to work on the road, and report by bill or otherwise."

Which was adopted.

Mr. Floyd gave notice that, on to-morrow, he would ask leave to introduce a bill for the relief of Sam'l Adams, late Governor, to make appropriations for moneys paid by him as Governor of this State.

Pursuant to notice, Mr. Logan introduced a bill entitled "an act concerning the reports of the supreme court."

Was read a first time.

Pursuant to notice, Mr. Wilson of Washington, introduced a bill entitled an act to change the time of holding the probate courts in this State.

Which was read a first time.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following resolution :

Resolved, That a select committee of three in the Senate, and five in the House of Representatives, be appointed to examine into the acts of the late bank visitor, and also the acts of the financial and executive receivers of the State bank and branches, and see whether they have faithfully performed all the duties imposed on them by the act placing the bank in liquidation ; and to take into further consideration the propriety of abolishing the offices of the bank visitor and executive receivers, and report by bill or otherwise.

The concurrence of the House of Representatives is respectfully asked.

The Senate have appointed Messrs. Newton, Pelham and Walker, committee.

The Senate have concurred in the resolution giving Fulton county the quota of revised statutes and decisions of the supreme court.

Mr. Hall offered the following:

Resolved, That this House meet every morning at nine o'clock, A. M., and that a motion to adjourn shall be out of order before one o'clock, P. M., unless sustained by two-thirds of the House.

Which was read, and will come up under rule to-morrow.

Mr. Steele offered the following:

Resolved, That medical men have no prior claims in collecting their debts, over other classes of society, and that all creditors have equal claims on this subject.

Which was adopted.

Mr. Wells gave notice that he would ask leave to introduce a bill on to-morrow to amend the road law.

Pursuant to notice, Mr. Parks introduced a bill entitled an act to facilitate the collection of debts.

Which was read a first time.

Mr. Baltimore gave notice that, on Monday next, he would ask leave to introduce a bill to be entitled "an act for the disposal of one of the 16 sections in this State.

Pursuant to notice, Mr. Floyd introduced a bill to be entitled an act to repeal the 80th chapter of the revised statutes, and for other purposes.

Which was read a first time.

Mr. Riggs gave notice that, on Monday next, he will introduce a bill to reduce the price of the 500,000 acres of land donated to the State of Arkansas.

Mr. Clark of Independence offered the following preamble and resolution:

Whereas, there is just cause for believing that there has been gross mismanagement, or neglect of duty, and favoritism displayed on the part of the present and former attorneys, together with the executive and financial receivers and commissioner for the branch of the bank of the State of Arkansas at Batesville; and that they, or some one of them, have received compensation for services never rendered to the bank or the State. Therefore, that a full and fair exposition of the facts connected with this subject may be made.

Resolved, That a committee of two from this House be appointed, whose duty it shall be to repair to Batesville, and then and there to act in conjunction with the financial receiver of the bank at that place, to make such investigation as may be necessary to a full and satisfactory report to the committee on banks already appointed by this House on banks.

Resolved, further, That the committee so appointed under the foregoing resolution shall receive the same compensation while on this

mission that other members of this House receive, and their travelling fees the same as regulated by distance and time, and that they shall have leave of absence a sufficient time, and have full power to examine such papers and persons as may be necessary to carry it into effect.

Mr. Baltimore would amend by making committee of five, instead of two.

Which was lost.

Mr. Floyd would amend by inserting after the word "Batesville," "Fayetteville, Arkansas Post, and principal bank at Little Rock."

Which was lost.

The question then recurred upon its adoption.

Mr. Bertrand called for the ayes and nays, and they were ordered.

The members voting affirmatively, are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Baltimore, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Caldwell, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Dawdy, Floyd, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hightower, Hall, Hardin, Hodges, Logan, Lambert, Mayers, Marshall, McCoy, Mitchell, Olive, Owens, Parks, Physic, Riggs, Rust, Russell, Robertson, Sanders, Scott, Simpson, Shipp, Smith, Stubblefield, Sumner, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—68.

The members voting negatively, are

Messrs. Duval, Miller, Simmons, Steele, Strain, Sutton—6.

So the resolution was adopted.

Mr. Speaker appointed Messrs. Clark of Independence, and Trapnall.

On leave, Mr. Trapnall was excused from the committee.

On motion of Mr. Rust, ordered that the other committee man should be a volunteer.

Pursuant to notice, Mr. Greenwood introduced a bill entitled "an act to provide more effectually against the crime of adultery and for other purposes."

Was read a first time.

Mr. Mayers gave notice that, on Thursday next, he would ask leave to introduce a bill to dispose of the 16th section of the school land, now occupied by the military, situated in upper township, Crawford county.

Mr. Sutton gave notice that, on Monday next, he would introduce a bill to be entitled "an act to attach a part of the county of Desha to the county of Bradley: also a bill entitled "an act to change the time of holding the Desha circuit court."

Mr. Greenwood moved to adjourn.

Which was lost.

On motion of Mr. Rust, the orders of the day were taken up.

The bill for the relief of Euclid L. Johnson, was taken up, and on motion of Mr. Logan, was recommitted to the committee on ways and means.

The resolution contemplating a mail route from Little Rock to Fort Smith, was taken up and read, and amended by Mr. Dawdy inserting "through Colbreath's settlement and Mark's settlement."

On motion of Mr. Clark of Independence, the House adjourned.

SATURDAY MORNING, 9 o'clock, November 16th, 1844.

The House met pursuant to adjournment.

On motion of Mr. Steele of Franklin, his vote on the passage of the resolution raising a committee to investigate the concerns of the branch bank of the State of Arkansas, at Batesville, was altered from negative to affirmative on the adoption of the resolution.

Petitions were in order.

Mr. Croft, of the committee on counties and county lines, on leave given, reported the bill to establish the county of Liberty, back to the House without amendment.

Reports from the select committee were in order.

Mr. Hall, from the committee to whom was referred a petition from the citizens of Poinsett county, on leave given, reported by bill for the relief Redding Busby.

Which was read a first time.

Mr. Dawdy, from the select committee to whom was referred that part of the Governor's message referring to the 500,000 acres of land, on leave, reported by bill establishing a land office for the selling of said land in the city of Little Rock.

Read a first time.

On motion of Mr. Bankhead, 100 copies ordered to be printed.

On motion of Mr. Trapnall, leave of absence was granted to Mr. Sutton on account of indisposition.

Pursuant to notice, Mr. Floyd introduced a bill for the relief of Samuel Adams, late Governor of Arkansas.

Was read a first time, when, on motion of Mr. Floyd, the rules were dispensed with, and the bill read a second time and referred to the standing committee on claims, with instructions to report the evidence in the case.

Mr. McCoy offered the following:

Resolved, That the committee on the State bank be instructed to examine the State bank, and report to this House as early as practicable the propriety of converting the building to the use of the Governor of the State of Arkansas, for a family residence. And that the committee be further instructed to examine the room at present occupied by the register of the land office, and report to this House as early as practicable the propriety of moving all the effects of the State bank

and branches to the aforesaid mentioned room, except the iron chest, to remain in the vault of the State bank for the safe keeping of all the valuables.

Which was lost.

Mr. Bankhead offered the following :

Resolved, That our Senators in Congress be instructed and that our Representative be requested to use their influence with the post-master general of the United States, to have the mail carried from Little Rock to Fulton on Red river, tri-weekly, in four horse coaches.

Which was read a first time.

Mr Croft gave notice that, on Thursday next, he would introduce a bill to repeal the 72d section of chapter 4th of the revised statutes of the State of Arkansas.

Mr. Cook gave notice that, on Monday next, he would introduce a bill to improve the navigation of Little Red river.

Pursuant to notice, Mr. Floyd introduced a resolution proposing to amend the 7th section of article 6th of the constitution of Arkansas.

Which was read a first time.

Mr. Olive, on leave given, introduced a bill concerning estrays.

Read a first time.

When, on motion of Mr. Trapnall, the rules were dispensed with, and the bill read a second time and referred to the committee on ways and means.

Mr. Foster gave notice that, on Thursday next, he would ask leave to introduce a bill to authorize the personal estate of deceased persons to be reserved from sale under certain circumstances.

Pursuant to notice, Mr. Wells introduced a bill to repeal a part of an act in relation to public roads.

Which was read a first time.

Mr. Wilson, of Johnson, offered :

Resolved, That one thousand copies of the inaugural address of the Governor be printed for the use of this House.

Which was lost.

Mr. Duval offered the following :

Resolved, That the Speaker of the House be empowered to receive and dispose of sealed proposals of volunteers to fill the vacancy occasioned by the withdrawal of Mr. Trapnall in the travelling bank inspecting committee: Which was lost.

Mr. Dorriss offered the following :

Resolved, That the Governor be requested to appoint two suitable persons whose duty it shall be to proceed, immediately, one to the branch of the bank of the State of Arkansas at Arkansas, and one at the branch of said bank at Fayetteville, and make a thorough examination into the condition of said branches, the manner in which said branches have been conducted under the act of liquidation by the officers thereof, the present condition of the debts of said branches, the character of the security taken for any debts due said branches, the debts, if any, that have been released by said officers, and the probable amount of unavailable debts, and report to this House as soon as practicable.

Be it further resolved, That it shall be the duty of said officers of said branch banks to furnish said agents or commissioners with all the information in their possession to facilitate said examination, and exhibit their books to said agents. And, also,

Resolved, That the compensation of said agents or commissioners shall not exceed the per diem pay of the members of the legislature.

Which was adopted.

Mr. Blackwell gave notice that, on Monday next, he would ask leave to introduce a bill to be entitled "an act to establish a board of internal improvement."

Pursuant to notice, Mr. Scott introduced a bill to repeal the act to authorize a geological examination of the State of Arkansas.

On motion of Mr. Marshall, leave of absence was granted to Mr. Hardin.

Mr. Parks gave notice that, on Monday next, he would introduce a bill to be entitled an act to afford a more speedy remedy in cases of assault and battery.

Mr. Greenwood offered :

Resolved, That it shall not be in order for any one member of this House to introduce more than thirteen bills, resolutions or memorials in any one day. Which was adopted.

Pursuant to notice, Mr. Logan introduced a bill to grant a charter to Geo. W. Lemoyne, to erect a toll bridge across the Point Remove creek, in Conway county, Arkansas.

Which was read a first time.

And, on motion of Mr. Logan, the rules of the House were suspended, and the bill read a second time, and ordered engrossed for a third reading on Monday next.

Mr. Bertrand, from the select committee to whom was referred the bill changing the mode of voting *viva voce* to voting by ballott, on leave given, reported the same back to the House, with several amendments, all of which were adopted.

And, on motion of Mr. Bertrand, ordered engrossed for a third reading on Monday next.

Mr. Trapnall presented a memorial from Wm. E. Woodruff, praying an investigation into certain settlements between him as treasurer of the State of Arkansas.

Which was read.

And, on motion of Mr. Trapnall, was ordered 100 copies printed, and referred to the standing committee on claims.

Mr. Bankhead gave notice that, on Monday next, he should beg leave to introduce a bill to incorporate the Spring Hill Female Academy.

Mr. Sumner gave notice that on Monday next he would ask leave to introduce a bill to be entitled "an act to provide for the payment of sheriffs, coroners, &c., for conveying convicts from the county jails to the penitentiary."

On motion of Mr. Rust, the orders of the day were taken up.

The message of the Governor on the subject of the location and

selection of the 500,000 acres of land, was taken up and read, and will be found in the appendix to the journals of the House of Representatives.

When, on motion of Mr. Rust, it was referred to the standing committee on claims, with instructions to report whether the agents have received equal compensations.

The resolution of the Senate raising a committee to take into consideration the propriety of abolishing the office of bank visitor and commissioner, was taken up and read and concurred in by the House, and Mr. Speaker appointed on part of the House, Messrs. Owens, Strain, Blackwell, Sumner and Hammond.

The resolution of the House offered yesterday, that the House of Representatives meet at 9 o'clock, A. M., and that a motion to adjourn before the hour of one o'clock, should be deemed out of order unless sustained by two-thirds of the members, was taken up and read, and amended by Mr. Greenwood so as to read,

Resolved, That the House of Representatives meet every morning at 9 o'clock, A. M.

Which was adopted.

The bill of the House entitled "an act changing the time of holding the Jackson county circuit court," was taken up and read and passed.

When Mr. Fowler amended the title by adding "and of Pulaski county."

The bill of the House entitled "an act changing the time of collecting a poll tax," was taken up and read a third time, and on motion of Mr. Bertrand, was referred to the committee on the judiciary.

The bill of the House confirming the seat of justice in Poinsett county was taken up and read a second time.

The bill of the House entitled "an act to reduce the rate of interest, and to prevent persons from involving themselves in debt," was taken up and read a second time, and on motion of Mr. Rust, was committed to a select committee consisting of Messrs. Rust, Fowler and Berry.

The bill of the House entitled "an act to amend the 54th section of the revised statutes," was taken up and read a second time.

When on motion of Mr. Brown of Sevier, was referred to the committee on the judiciary.

The bill of the House entitled "an act concerning limitations of actions," was taken up and read a second time, and on motion of Mr. Dorriss, committed to a select committee, consisting of Messrs. Dorriss, Hall and Baltimore.

The bill of the House entitled "an act for the relief of Charles Sneed," was taken up and read a second time, and on motion of Mr. Birney, was committed to a select committee consisting of Messrs. Birney, Bateman and Riggs.

The bill of the House entitled "an act to abolish capital punishment," was read a second time.

On motion of Mr. Floyd, was referred to the committee on the judiciary.

The resolution relative to sales of land to actual settlers, was read a third time and passed, and was transmitted to the Senate for their consent.

The bill of the House entitled "an act concerning executors &c.," was read a second time, and on motion of Mr. Dorriss, was committed to the standing committee on the judiciary.

The bill of the House entitled "an act for the more certain sales of property under execution at sheriffs sales," was read a second time, and on motion of Mr. Bertrand, was referred to the committee on the judiciary.

The resolution of the House amendatory of the constitution, relating to circuit courts, &c., was read a second time, and committed to the standing committee on the judiciary.

The resolution of the House concerning the 72 sections of seminary lands, was read a second time, and referred to the committee on education.

The resolution of the Senate remonstrating against the law authorizing the sale and appropriating the proceeds of the public lands, was taken up and read a second time.

On motion of Mr. Greenwood, was made the order of the day for Saturday next.

The bill of the House to be entitled "an act to provide more effectually against the crime of adultery, and for other purposes," was read a second time, and on motion of Mr. Greenwood, was referred to the committee on the judiciary.

The bill of the House entitled "an act to repeal the 80th chapter of the revised statutes, and for other purposes," was read a second time, and referred to the committee on the judiciary.

The bill of the House entitled "an act to facilitate the collection of debts," was taken up and read a second time, and on motion of Mr. Wilson of Washington, was referred to the committee on the judiciary.

The bill of the House entitled "an act to change the name of Elijah Smith Parrott," was taken up and read a second time, and ordered to be engrossed for a third reading.

The bill of the House entitled "an act to alter and amend the 5th and 9th sections of an act prescribing the time of holding the circuit courts for the several judicial circuits," on motion of Mr. Croft, was committed to a select committee of three consisting of Messrs. Croft, Olive and Fowler.

The bill of the House incorporating Spring Hill male academy, was taken up and read a second time, and on motion of Mr. Bankhead the rules were suspended, and the bill read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act concerning the decisions of the supreme court," was read a second time, and committed to a committee of three consisting of Messrs. Trapnall, Logan and Bertrand.

The bill of the House entitled "an act to change the time of holding the probate courts in the State," was read a second time, and on motion of Mr. Wilson of Washington, was ordered engrossed.

On motion of Mr. Scott, the House adjourned.

MONDAY MORNING, 9 o'clock, November 18th, 1844.

The House met pursuant to adjournment.

Petitions from counties were in order.

No petitions were offered.

Reports from select committees were in order.

Mr. Birney from the select committee to whom was referred the bill of the House for the relief of Charles Sneed, reported the same back to the House without amendment, and recommend its passage.

Mr. Logan from the committee on ways and means, to whom was referred the bill entitled "an act for the relief of Euclid L. Johnson," on leave given, reported the bill back to the House, suggesting an amendment.

Which was adopted.

When on motion of Mr. Dorris, the claims on which the bill was predicated were withdrawn.

Mr. Rust from the committee to whom was referred the bill entitled "an act to reduce the rate of interest, and to prevent persons from involving themselves in debt," on leave given, reported the bill with an amendment.

Which was adopted.

Pursuant to notice, Mr. Cook introduced a bill to be entitled "an act to improve the navigation of Little Red river in this State."

Which was read a first time.

Mr. Shipp offered the following:

Resolved by this House, That the county of Montgomery be furnished with as many of the revised statutes of this State as it is entitled to by law, and that the secretary of State be directed to forward the same to Mount Ida post office in said county, and the Senate is asked to concur herein.

Was read, and comes in the order of the day to-morrow.

Pursuant to notice, Mr. Fowler introduced a bill entitled "an act to amend the law concerning the lein of mechanics."

Which was read a first time.

Pursuant to notice, Mr. Blackwell introduced a bill entitled "an act to establish a board of internal improvement."

Which was read, and on motion of Mr. Brown of Sevier, 100 copies were ordered to be printed.

Mr. Rust was called to the chair.

Pursuant to notice, Mr. Bankhead introduced a bill entitled "an act to incorporate Spring Hill female academy."

Which was read the first time.

Mr. Speaker resumed the chair.

Pursuant to notice, Mr. Greenwood introduced a bill entitled "an act for the relief of James Jackson of Benton county."

Was read a first time.

On motion of Mr. Greenwood, the rules of the House were suspended, and the bill read a second time, and referred to a select committee, consisting of Messrs. Greenwood, Tackett and Berry.

Mr. Wilson of Johnson, offered:

Resolved, That a committee of three be appointed by the chair to wait on Bishop Morris, now in this city, and inform him that the hall of this House is tendered him to perform divine service on Sunday next, at such hour as will best suit his convenience.

Which was adopted, and Mr. Speaker appointed Messrs. Wilson of Johnson, Steele and Lambert.

On leave given, Mr. Collins introduced a bill entitled "an act making appropriations to pay special judges of the circuit court."

Which was read a first time.

The House now resolved itself into a committee of the whole on the bill entitled "an act to punish embezzlement."

Mr. Greenwood in the chair.

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House with amendments.

Which were adopted.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolution:

Resolved, That a committee of two on the part of the Senate, and three on the part of the House of Representatives, be appointed to wait on his excellency the Governor, and ascertain at what time it will suit his convenience to make his communication to both Houses of this General Assembly, and that the House of Representatives be requested to concur herein.

The committee on the part of the Senate are Messrs. Ficklin and Reyburn.

The Senate have adopted a joint resolution, that this General Assembly adjourn *sine die* on the 10th day of December next, and the concurrence of the House of Representatives is respectfully asked thereto.

Mr. Wilson of Washington, would amend in the first section by striking out after the word "town" in the 6th line, to the word "such" in the 8th line.

Which was lost.

Mr. Sanders would amend by striking out "and by imprisonment in the penitentiary not less than six months, nor more than three years."

Mr. Bertrand called for the ayes and nays on the adoption of the amendment, and they were ordered.

The members voting in the affirmative are,

Messrs. Brown of Johnson, Croft, Clark of Green, Floyd, Greenwood, Garner, Hammond, Hightower, Logan, Marshall, Miller, Mitchell, Parks, Robertson, Sanders, Scott, Simpson, Steele, Stubblefield, Tackett, Wilson of Johnson—21.

The members voting in the negative,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Baltimore, Berry, Billingsly, Blackwell, Birney, Brown of Sevier, Cromwell, Cook, Collins, Culver, Clark of Independence, Clark of Carroll, Dorris, Duval, Dawdy, Fowler, Franks, Gray, Hubbard, Hall, Hodges, Hughes, Lambert, McCoy, Olive, Owens, Physick, Riggs, Rust, Russell, Simmons, Shipp, Smith, Strain, Sumner, Trapnall, Ward, Wilson of Washington, Mr. Speaker—44.

So the amendment was lost.

On motion of Mr. Rust, the previous question was now put, and the bill was passed.

Mr. Baltimore, pursuant to notice, introduced a bill to be entitled "an act to provide for the election of school commissioners and sale of the 16th section of township 13 N. Range 6 west."

Which was read a first time.

Mr. Hubbard of Benton, offered,

Resolved, That a committee of five be appointed, whose duty it shall be to enquire what amount of specie was on hand in the State bank and branches, at the time of suspension of specie payment upon their notes, and what amount of specie there is on hand now in said bank and branches, and if any specie has been paid out by said bank or branches since the suspension, that said committee report to this House the amount so paid out, and to whom, and for what purposes.

Which was adopted, and Mr. Speaker appointed Messrs. Hubbard, Mitchell, Wells, Billingsly and Hughes.

Mr. Floyd moved to adjourn.

Mr. Rust called for the ayes and nays, and they were ordered.

The members voting in the affirmative are,

Messrs. Bertrand, Burke, Baltimore, Birney, Cromwell, Cook, Croft, Clark of Carroll, Dorris, Duval, Floyd, Garner, Gray, Lambert, McCoy, Miller, Mitchell, Owens, Physick, Riggs, Robertson, Sanders, Trapnall, Ward—24.

The members voting in the negative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Berry, Billingsly, Blackwell, Brown of Johnson, Brown of Sevier, Collins, Culver, Clark of Green, Dawdy, Fowler, Franks, Greenwood, Hubbard, Hammond, Hightower, Hall, Hughes, Logan, Marshall, Olive, Parks, Rust, Russell, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Wilson of Johnson, Wilson of Washington, Mr. Speaker—41.

So the motion was lost.

Mr. Brown of Johnson, introduced a bill entitled "an act prescribing the time of holding circuit courts in the seventh judicial circuit."

Which was read a first time.

On motion of Mr. Robertson, the House adjourned.

TUESDAY MORNING, 9 o'clock, *Nov. 19th, 1844.*

The House met pursuant to adjournment.

Petitions from counties were in order.

Mr. Bankhead presented the petition of William Arnett, sheriff of Hempstead county, asking for an appropriation to refund to him the moneys paid out for the use of said county into the State treasury.

Which was read, and referred to the committee on claims.

Mr. Trapnall presented a memorial of Mr. Wm. E. Woodruff, showing evidences of his claims on the State, and opinion of Judges Ringo and Lacy in regard to said claims.

Which was read and referred to the committee on claims.

Mr. Floyd presented the petition of James P. Patterson, concerning the change of venue in case of prosecution against him for counterfeiting.

Which was read, and on motion of Mr. Floyd, was referred to the committee on the judiciary.

Mr. Bertrand presented a petition from several and sundry citizens of Pulaski county, remonstrating against the division of Pulaski county, and the erection of a new county.

Which was read, and committed to a select committee consisting of Messrs. Fowler, Cook, Sanders and Simmons.

Mr. Fowler from the committee on the judiciary, on leave given, reported the bill entitled "an act concerning executors," and a bill entitled "an act to facilitate the collection of debts," back to the House, after deliberate consideration, deeming the same inexpedient, and that both shall be indefinitely postponed.

Which report was adopted.

And also, the bill entitled "an act changing the time collecting a poll tax," with an amendment.

Which was adopted.

And also, the bill of the House entitled "an act to provide more effectually against the crime of adultery, and for other purposes;" was amended, and the amendments adopted.

When on motion of Mr. Greenwood, the two latter bills were ordered engrossed for Thursday next.

Mr. Logan from the committee on ways and means, to whom was

referred the bill entitled "an act concerning estrays," on leave given, reported the same back to the House with several amendments.

Which were adopted, and the bill ordered engrossed.

Mr. Bankhead from the committee to whom was referred the bill entitled "an act to change the time of holding the general elections in this State," on leave given, reported the bill back to the House without amendment.

Mr. Greenwood from the select committee to whom was referred the bill to be entitled "an act for the relief of James Jackson, coroner of Benton county," on leave given, reported the same back to the House without amendment, and recommended the passage of the same.

Mr. Bertrand from the select committee to whom was referred the petition of sundry citizens of Pulaski county, praying for the incorporation of a bridge stock company for the erection of a bridge across the Arkansas river, on leave given, reported by bill entitled "an act to incorporate the Little Rock bridge company."

Which was read a first time.

Mr. Trapnall from the select committee to whom was referred the bill concerning the distribution of the decisions of the supreme court, on leave given, reported the bill back to the House with several amendments.

Which were adopted.

On motion of Mr. Booker, leave of absence was granted to Mr. Foster.

On motion of Mr. Bankhead, leave of absence was granted to Mr. Rust, on account of indisposition.

The resolution of the Senate, raising a committee to wait on the Governor, was taken up and read and concurred in, and Mr. Speaker appointed Messrs. Culver, Clark of Carroll, and Physick.

The resolution of the Senate to adjourn *sine die* on the 10th of December next, was taken up and read, and Mr. Greenwood would amend by striking out the 10th December, and inserting Wednesday next.

Mr. Clark of Independence would amend by inserting to-morrow at 9 o'clock.

Mr. Mayers moved to lay the amendments and resolution on the table.

Mr. Greenwood called for the division of the question, and that it should be put first upon the amendments.

Which was done.

Mr. Mayers then moved to lay the resolution on the table.

Mr. Fowler called for the yeas and nays.

The members of the House voting in the affirmative,

Messrs. Bertrand Billingsly, Booker, Brown of Sevier, Croft, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Duval, Floyd, Greenwood, Gray, Mayers, McCoy, Miller, Owens, Physick, Riggs, Robertson, Shipp, Strain, Trapnall, Wilson of Washington, Mr. Speaker—25.

The members voting in the negative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Burke, Berry, Blackwell, Birney, Brown of Johnson, Cromwell, Cook, Collins, Culver, Dawdy, Fowler, Franks, Garner, Hubbard, Hammond, Hightower, Hall, Hays, Logan, Lambert, Marshall, Mitchell, Olive, Parks, Russell, Sanders, Scott, Simmons, Simpson, Smith, Steele, Stubblefield, Sumner, Tackett, Ward, Wilson of Johnson—41.

So the motion to lay on the table was lost.

Mr. Bertrand would amend by striking out 10th of December, and insert Monday next.

Mr. Duval would lay the amendment on the table.

Mr. Bertrand called for the ayes and nays, and they were ordered.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Croft, Collins, Culver, Clark of Carroll, Clark of Green, Duvall, Dawdy, Floyd, Fowler, Franks, Garner, Hubbard, Hammond, Hightower, Hall, Hays, Lambert, Mayers, Marshall, Mitchell, Olive, Owens, Parks, Physick, Riggs, Russell, Robertson, Sanders, Simmons, Simpson, Shipp, Smith, Steele, Stubblefield, Sumner, Tackett, Trapnall, Wilson of Washington—50.

The members voting in the negative are,

Messrs. Bertrand, Bateman, Blakemore, Clark of Independence, Dorris, Greenwood, Gray, Logan, McCoy, Miller, Scott, Strain, Ward, Wilson of Washington, Mr. Speaker—15.

So the amendment was laid on the table.

Mr. Greenwood moved to refer the bill to the committee on ways and means.

Mr. Fowler called for the ayes and nays, and they were ordered.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bateman, Burke, Booker, Croft, Clark of Independence, Dorris, Duval, Floyd, Greenwood, Garner, Gray, Lambert, Mayers, McCoy, Miller, Owens, Physick, Riggs, Robertson, Shipp, Wilson of Johnson, Mr. Speaker—24.

The members voting in the negative are,

Messrs. Bankhead, Blakemore, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Collins, Culver, Clark of Green, Dawdy, Fowler, Franks, Hubbard, Hammond, Hightower, Hall, Hays, Logan, Marshall, Mitchell, Olive, Parks, Russell, Sanders, Scott, Simmons, Simpson, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Trapnall, Ward, Wilson of Washington—40.

So the resolution was not referred.

On motion of Mr. Greenwood. the resolution was postponed till Monday week.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed a substitute for the bill from the House enti-

bled "an act to change the time for holding the circuit courts for Jackson and Pulaski counties."

Which is herewith transmitted for the concurrence of the House of Representatives.

Mr. Hays, pursuant to notice, introduced a bill to be entitled "an act to change the mode of assessing taxes, and for other purposes."

Which was read a first time.

Mr. Floyd was called to the chair.

Mr. Scott offered the following:

Resolved, That the executive be requested to furnish this General Assembly with an abstract of the locations made in this State, of the 500,000 acres of land, donated to this State for internal improvement, noting the county, township, range and section and amount of each location, and by whom the same was made.

Which was adopted.

Mr. Marshall gave notice that on to-morrow he would ask leave to introduce a bill to be entitled "an act to amend the 80th section of the 4th chapter of the revised statutes."

Mr. Collins introduced a joint resolution asking for a mail route from Marion in Crittenden county, to Helena in Phillips county.]

Which was read the first time.

Mr. Berry of Madison, gave notice that on next Thursday he would introduce a bill to repeal the 6th section of the 44th chapter of the revised statutes of the State of Arkansas."

Mr. Franks gave notice that on to-morrow he would ask leave to introduce a bill for the relief of James M. Halbert, sheriff of St. Francis county, and on Friday next he will ask leave to introduce a bill to provide for certain orphans, and for other purposes; and on Monday next he will ask leave to introduce a bill to repeal certain portions of the fourth chapter of the revised statutes of the State of Arkansas, under the head of administrations, and for other purposes.

Mr. Owens of Clark, offered the following:

That A. Pike, Esq., reporter for the State of Arkansas, make known to this House, as soon as practicable, all statutes and parts of statutes, which have been declared unconstitutional by the supreme court of said State, and that said reporter be notified of this resolution.

Which was read and lost.

The bill of the House, authorizing Geo. W. Lemoyne, to make a bridge across Point Remove creek, was read a third time and passed, and was transmitted to the Senate.

On motion of Mr. Floyd, the House went into committee of the whole, on the bill to change the present mode of voting in this State, from *viva voce*, to voting by ballot.

Mr. Fowler in the chair.

After some time spent in committee, the committee arose, and reported the bill back to the House, without amendment.

Mr. Marshall, moved to lay the bill on the table until the 4th of July next.

Mr. Greenwood called for the ayes and nays, and they were ordered.

The members voting in the affirmative, are

Messrs. Alston, Bankhead, Blakemore, Billingsly, Booker, Cromwell, Collins, Culver, Clark of Green, Hubbard, Hammond, Marshall, Miller, Mitchell, Parks, Scott, Sanders, Simpson, Shipp, Smith, Strain, Stubblefield, Sumner, Wilson of Johnson, Mr. Speaker—25.

The members voting in the negative, are

Messrs. Bertrand, Bateman, Burke, Berry, Blackwell, Brown of Johnson, Brown of Sevier, Croft, Clark of Independence, Dorris, Duval, Dawdy, Floyd, Fowler, Franks, Greenwood, Garner, Gray, Hightower, Hall, Hays, Logan, Lambert, Mayers, McCoy, Olive, Owens, Physick, Riggs, Russell, Simmons, Steele, Tackett, Trapnall, Ward, Wilson of Washington—36.

So the bill was not laid on the table.

Mr. Mayers offered an amendment to the 5th section, which was lost.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted a joint resolution, that the two Houses of the present General Assembly, will, on to-morrow, at 12 o'clock, M., proceed to the election, as provided for in the act establishing a system of common schools, and the concurrence of the House of Representatives is respectfully asked thereto.

Mr. Collins moved to adjourn.

Mr. Greenwood called for the ayes and nays, and they were ordered.

The members voting for adjournment, are

Messrs. Bankhead, Billingsly, Brown of Johnson, Collins, Dorris, Hubbard, Hightower, Marshall, Scott and Simpson—10

The members voting against adjournment, are

Messrs. Alston, Bertrand, Bateman, Blakemore, Burke, Berry, Blackwell, Booker, Birney, Brown of Sevier, Cromwell, Cook, Croft, Culver, Clark of Independence, Clark of Green, Duval, Dawdy, Floyd, Fowler, Franks, Greenwood, Gray, Hammond, Hall, Hays, Logan, Lambert, Mayers, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Russell, Sanders, Simmons, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Trapnall, Ward, Wilson of Johnson, Wilson of Washington, Mr. Speaker—52.

So the motion was lost.

Mr. Floyd called for the previous question, which was put.

Mr. Marshall, called for the ayes and nays, and they were ordered.

The members voting in the affirmative, are

Messrs. Bertrand, Bateman, Blakemore, Burke, Berry, Blackwell, Brown, of Johnson, Brown, of Sevier, Cook, Croft, Clark, of Independence, Duval, Dawdy, Floyd, Fowler, Franks, Greenwood, Garner, Gray, Hightower, Hall, Hays, Lambert, McCoy, Olive, Owens, Physick, Riggs, Russell, Simmons, Steele, Tackett, Trapnall, Wilson, of Washington—34.

The members voting in the negative, are

Messrs. Alston, Bankhead, Billingsly, Booker, Birney, Cromwell,

Collins, Culver, Clark, of Green, Hubbard, Hammond, Logan, Mayers, Marshall, Miller, Mitchell, Parks, Sanders, Scott, Simpson, Shipp, Smith, Strain, Stubblefield, Ward, Wilson, of Johnson, Mr. Speaker—27.

So the bill was passed, and sent to the Senate for their assent.
On motion of Mr. Birney, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, November, 20th 1844.

The House met pursuant to adjournment.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

None were offered.

Reports from select committees were in order.

Mr. Dorriss, from select committee, to whom was referred the bill to amend the act concerning limitations, on leave reported sundry amendments,

Which were adopted.

When, on motion of Mr. Trapnall, the bill was committed to the committee on the judiciary.

The resolution of the Senate, of yesterday, relative to the election of a board of education, on to-day at 11 A. M., was read, and the concurrence of the House, was withheld, and the Senate informed thereof by message.

Mr. Bankhead offered a resolution instructing our Senators, and requesting our Representative, to use their influence with the Congress of the United States, to have a mail route established tri-weekly from Washington, Hempstead county, through Spring Hill, Louisville, in Lafayette county, and Shreveport, Louisiana, to Natchitoches, in Louisiana.

Which was read a first time.

Mr. Strain gave notice, that on Thursday next, he would introduce a bill entitled "an act to incorporate the Far West Seminary."

Mr. Croft gave notice, that he would, on Thursday next, ask leave to introduce a bill to call in the scrip of Green county.

A message from the Senate by secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to amend the law for taking up estrays."

Which is herewith submitted, and the assent of the House of Representatives is respectfully asked thereto.

The Senate have assented to the bill of the House of Representa-

tives entitled "an act to incorporate the Spring Hill Male Academy."

Also, the Senate have assented to the resolution of the House, asking Congress to establish certain mail routes, on the south side of Arkansas river.

Also, the Senate have assented to the resolution of the House, instructing our Senators, and requesting our Representative in Congress, to procure, if possible, the passage of a law, authorizing the public lands to be sold in half quarter sections, running east and west, to actual settlers.

All of which, are herewith returned.

Pursuant to notice, Mr. Cook introduced a resolution to establish a mail route from Lewisburg, in Conway county, through Searcy, in White county, to Wm. Strong's post office, in St. Francis county,

Which was read a first time.

Mr. Lambert, of Marion, gave notice, that on to-morrow, he would ask leave to introduce a bill entitled "an act to amend the second section of an act entitled an act, concerning forfeited lands, approved 5th Jan'y, 1843."

Mr. McCoy, of Jackson, gave notice, that on Saturday next, he would introduce a bill to be entitled "an act for the relief of Reuben Persell."

Mr. Birney, of Madison, gave notice that on Saturday next, he would ask leave to introduce a bill to be entitled "an act amendatory of an act, to encourage the killing of wolves," approved February 3d, 1843.

Mr. Dorriss gave notice, that on to-morrow, he would ask leave to introduce a bill, to amend the act approved 28th December, 1840, authorizing the disposition of the seventy two sections of Seminary lands, and also, a bill to amend the act approved 31st January, 1843, putting the bank of the State of Arkansas in liquidation.

Mr. Floyd gave notice, that on to-morrow, he would ask leave to introduce a bill, to repeal the 31st section of the law, approved 3d February, 1843, establishing a system of common schools, and in lieu thereof, to appropriate the whole amount of the common school fund in specie, to buy books for said schools, &c.

Mr. Clarke, of Independence, gave notice, that on to-morrow, he would introduce a bill entitled "an act to suppress betting on elections, and for other purposes."

Mr. Parks gave notice, that on to-morrow, he would introduce a bill to amend the law of administration, and for other purposes.

Mr. Tackett gave notice, that on Friday next, he would ask leave to introduce a bill more specifically to define the northern boundary of Newton county.

Mr. Scott gave notice, that he would ask leave to introduce a bill to authorize the survey of a road from Little Rock, on the south side of the Arkansas river, to Fort Smith, in Crawford county.

Mr. Brown, of Johnson, pursuant to notice, introduced a bill to be entitled "an act to repeal the 39th section of the 4th chapter of the revised statutes,"

Which was read a first time.

Pursuant to notice, Mr. Marshall introduced a bill to be entitled "an act to amend the 80th section of the 4th chapter of the revised statutes."

Which was read a first time.

Pursuant to notice, Mr. Franks introduced a bill for the relief of James M. Halbert, sheriff of St. Francis county.

Which was read a first time.

Pursuant to notice, Mr. Sumner introduced a bill entitled "an act for the relief and benefit of sheriff's and coroners."

Which was read a first time.

Mr. Blakemore gave notice, that he would introduce a bill on Saturday next, to call in the scrip of Washington county.

Mr. Floyd introduced a resolution upon the State bonds.

Which was read a first time.

Mr. Culver, from the committee, raised to wait on his excellency, on leave, reported, that the executive would make a communication to both Houses this day, at half past 11 o'clock, A. M.

Mr. Russell gave notice, that he would ask leave to introduce a bill on Friday next, to declare Fourche Lafevre, a navigable stream.

Mr. Hubbard gave notice, that he would, on Monday next, introduce a bill to dis sever the State banks from the Real Estate banks, and other purposes.

Mr. McCoy offered the following:

Resolved, That a committee of five be appointed, whose duty it shall be to ascertain the amount of money now due on the bonds of the State, and report to this House, as early as circumstances will admit, of the propriety of settling speedily, the interest now due.

Which was adopted.

Mr. Speaker appointed Messrs. McCoy, Floyd, Lambert, Hays and Simmons.

Mr. Greenwood, gave notice that he would ask leave on to-morrow, to amend the militia law of this State, also, a bill to amend the 80th chapter of the revised statutes. Also, a bill to establish a medical board in this State.

The bill of the House entitled an act to change the time of holding the circuit courts of Jackson and Pulaski counties, was taken up, and the substitute, as offered by the Senate, was read.

And, on motion of Mr. Fowler, the House withheld their assent to the Senate's substitute.

When, on motion of Mr. Fowler, a conference was asked.

And Mr. Speaker appointed Messrs. Fowler, Cromwell, and Hall committee of conference on part of the House, of which the Senate were informed.

On motion of Mr. Floyd, the orders of the day were taken up.

Mr. Bertrand was called to the chair.

The bill from the House entitled an act the more effectually to provide against the crime of adultery and for other purposes, was taken up and read a third time on its final passage.

Mr. Scott called for the ayes and nays and they were ordered.

The members voting in the affirmative are,

Messrs. Bertrand, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Floyd, Fowler, Franks, Greenwood, Garner, Gray, Hammond, Hightower, Hall, Hodges, Hays, Logan, Lambert, Mitchell, Owens, Physick, Riggs, Sanders, Simmons, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Ward, Wilson of Johnson, Wilson of Washington, Mr. Speaker—50.

The members voting in the negative, are .

Messrs. Alston, Bankhead, Duval, Hubbard, Hughes, Mayers, Marshall, Miller, Olive, Parks, Russell, Scott, Simpson, Trapnall—16.

So the bill was passed.

Mr. Duval would now amend the title, to “an act to promote fornication.”

Mr. Greenwood called for the ayes and noes, and they were ordered.

The member voting for the title, Mr. Duval—1.

The members voting against the title,

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Floyd, Fowler, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hightower, Hall, Hodges, Hays, Hughes, Logan, Lambert, Mayers, Marshall, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Ward, Wilson of Johnson, Wilson of Washington—63.

So the title was not adopted.

The question then recurred upon the original title.

Which was adopted.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have assented to the bill entitled “an act to grant a charter to George W. Lemoyne, for the purpose of erecting and building a toll bridge across Point Remove Creek, in Conway county, Arkansas.”

Which is herewith returned.

The bill of the House entitled an act concerning the distribution of the decisions of the supreme court, was taken up and read a third time and passed.

The bill of the House entitled an act changing the time of collecting poll tax, was taken up and read a third time and passed.

Mr. Speaker resumed the chair.

The House now went into recess till half-past eleven o'clock.

Half-past eleven o'clock.

The Senate and officers now appeared in the Representative hall, and were seated within the bar.

When a communication was received from the executive, and read by his excellency's private secretary, Col. L. J. Reardon; who then withdrew, and the Senate returned.

When, on motion of Mr. Croft, three thousand copies of the Governor's message were ordered printed.

On motion of Mr. Mayers, the House adjourned.

THURSDAY MORNING, 9 o'clock, 21st November, 1844.

The House met pursuant to adjournment.

On motion of Mr. Bertrand, the reading of the journals was dispensed with.

Mr. Trapnall, in an appropriate and affecting manner, announced to the House the decease of the Hon. Charles Caldwell, member from the county of Saline, and offered the following resolution:

Resolved, That this house has heard with profound sorrow the sudden and much lamented death of the hon. Charles Caldwell, a member of the House of Representatives, from the county of Saline.

Resolved, further, That in expression of our high regard and respect for his memory, we will wear crape on the left arm for thirty days; and that the Senate be informed of the foregoing resolution of the House, and asked to concur in the same.

Which was adopted.

Mr. Clark of Independence, in an impressive manner, announced the decease of his colleague, the Hon. Mortimer W. Baltimore, and offered the following preamble and resolution:

Whereas, it has pleased the all-wise God of the universe, to remove by sudden death from among us one of the members of this House, therefore,

Be it resolved, That the House of Representatives deeply deplore his loss, and kindly condole with his bereaved family upon the afflictive dispensation of destiny.

Resolved, further, That in expression of our esteem and respect to his memory, the members of this House will wear crape upon the left arm for thirty days.

Which was adopted;

And the Senate informed thereof, and their attendance invited at the funeral of the deceased.

Mr. Dorris offered:

Resolved, That the members of this House, in a body, attend the

funeral of the deceased, Mr. M. W. Baltimore, at this hall, at half-past two o'clock, P. M.; and that the House now adjourn for the purpose of making preparation for the occasion.

On motion of Mr. Collins, the chair appointed a committee of arrangements, consisting of Messrs. Collins, Clark of Independence, Fowler, Bateman, and Bertrand.

When Mr. Dorriss' resolution was adopted, and the House adjourned.

FRIDAY MORNING, 9 o'clock, 22d November, 1844.

The House met pursuant to adjournment.

Mr. Speaker being ill, Mr. Greenwood took the chair by consent.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have appointed Messrs. Trimble and Maxwell a committee of conference on the bill to postpone the Jackson and Pulaski circuit courts.

And that the Senate have adopted a resolution dissolving a committee on the part of the Senate, appointed to examine into the conduct of the late bank visitor and the conduct of the executive and financial receivers of the State bank and branches, and have appointed a new committee, consisting of Messrs. Newton, Smith, Maxwell, Gaines, and Hudson, with power to send for persons and papers.

The concurrence of the House of Representatives is respectfully asked.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Fowler, from the committee on the judiciary, on leave, reported:

Mr. Speaker—The committee on the judiciary, to which was committed the bills and resolution hereinafter mentioned, has had the same under consideration, and instructed me to report the "bill to amend the 54th sec. of the revised statutes," and the bill entitled "an act to repeal the 80th chapter of the revised statutes, and for other purposes," with amendments, which are herewith transmitted.

Said committee has also instructed me to report back to the House resolution No. 13, upon amending the constitution so as to enlarge the judicial circuits, and require the judges thereof permanently to exchange circuits, as inexpedient, and recommend that the same be indefinitely postponed.

The majority of said committee has also instructed me to report,

and advise the indefinite postponement of the bill entitled "an act to provide for the more certain sale of property under execution."

A. FOWLER, *Chairman*.

When the amendments proposed by the committee were adopted.

On motion of Mr. Sutton, the bill to be entitled an act to repeal the 80th chapter of the revised statutes, and for other purposes, was ordered printed, and made the order of the day for Monday next.

Mr. Floyd moved that the House reject the report of the committee on the judiciary, which relates to the bill entitled an act to provide for the more certain sale of property under execution at sheriff's sale.

Which was lost.

When Mr. Floyd, from the same committee, on leave given, made a minority report, as follows :

Mr. Speaker—The majority of the standing committee on the judiciary, to whom was referred the bill to provide for the more certain sale of property under execution, having reported the bill as inexpedient, the undersigned, the minority of said committee, would offer the following as the result of their deliberation : That under the operation of the law, as it now is, there are a great many ways by which plaintiff can be defeated in the collection of his money under an execution. The minority is clear in the opinion that the statutes requiring property, such as real estate and slaves, to be offered for sale on the 1st day of the circuit court, was particularly enacted to secure to the defendant a fair competition in the shape of bidders for his property, so that the same may not be sacrificed. And your committee would further say, that they believe that the object and intention of the law is fully defined, and the rights of defendants properly secured under the provisions of the bill, that the majority has reported against ; therefore, your committee would recommend the passage of the bill rejected by the majority of the committee on the judiciary. All of which is most respectfully submitted for the consideration of the House.

WM. W. FLOYD.

When, on motion of Mr. Croft, the vote on the majority report of the judiciary committee was reconsidered, in respect to the bill entitled an act to provide more certain sales of property under execution at sheriff's sale.

And the question was put upon the adoption of the report.

Which was lost.

Then Mr. Fowler moved the rejection of the minority report.

Mr. Miller called for the ayes and noes, and they were ordered.

The members voting in the affirmative, are,

Messrs. Bertrand, Bankhead, Blakemore, Burke, Billingsly, Brown of Sevier, Cromwell, Cook, Collins, Culver, Clark of Independence, Clark of Carroll, Dawdy, Fowler, Greenwood, Garner, Gray, Hammond, Hightower, Hall, Hardin, Hodges, Lambert, Mitchell, Miller, Riggs, Robertson, Simmons, Smith, Strain, Sutton, Tackett, Ward, Wilson of Washington—32.

Those whose voted in the negative, are,

Messrs. Bateman, Blackwell, Birney, Brown of Johnson, Croft,

Dorriss, Floyd, Franks, Hubbard, Logan, Marshall, McCoy, Olive Owens, Parks, Russell, Sanders, Scott, Simpson, Shipp, Steele, Stubblefield, Sumner, Trapnall, Wilson of Johnson—28.

So the report was laid on the table.

On motion of Mr. Miller, his vote in the affirmative, was ordered changed to negative.

On motion of Mr. Dawdy, his vote in the negative was ordered changed to affirmative.

On motion of Mr. Owens, leave of absence was granted to Mr. Physick, on account of indisposition.

On motion of Mr. Bankhead, leave of absence was granted to Mr. Rust, on account of indisposition.

Mr. Sutton, from the committee on claims, on leave given, reported as follows:

Mr. Speaker—The committee on claims, to whom was referred an act entitled an act for the relief of Samuel Adams, late Governor of the State of Arkansas, beg leave to make the following report:

The committee were furnished with the account which said Adams had rendered against the State, and after a careful examination of all the respective vouchers and items in said account, making in the aggregate the sum of six hundred and thirty-two dollars, as claimed by said Adams, are of opinion that each and every of said sums were necessarily laid out and expended by said Adams, as Governor, for the use and benefit of the State of Arkansas; and in the opinion of the committee, he should be reimbursed. Therefore, they would respectfully report the said act back to the House with the following amendment, to-wit: after the words "six hundred and thirty-two dollars," contained in said act, insert the words "in the notes or bills of any of the banking institutions of the State of Arkansas."

Your committee prays to be exonerated from further consideration, &c., &c.

W. H. SUTTON, *Chairman*.

Which amendment and report were adopted.

A message from the Senate by secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have receded from their amendment to the bill entitled an act to change the time of holding the circuit courts in Jackson and Pulaski counties, and have assented to the original bill, which is herewith returned.

Mr. Fowler, from the committee on the judiciary, on leave reported, by instruction, on the resolution of the House, asking an investigation as to the vacancy in the judgeship in the first judicial circuit.

Mr. Speaker—The committee on the judiciary, to which was re-committed the resolution instructing them to inquire into, and report whether the office of judge in the first judicial circuit is vacant, has again had the subject under consideration, and instructed me to report that the committee is of opinion, that there is no vacancy of the judgeship in said circuit; but a majority of the committee having some doubts upon the subject, and believing the question one of such importance as to call for a final adjudication for future precedent, has

instructed me, as their chairman, to recommend to this House the propriety of electing a judge for that circuit, as if there were a vacancy, in order that the question as to the term of circuit judges may be judicially settled: from which recommendation however, I dissent.

A. FOWLER, *Chairman*.

And then, on leave given, reported as a minority of the same committee on the same subject.

Mr. Speaker—The undersigned members of the committee on the judiciary, to which was recommitted a resolution, instructing them to inquire and report to this House, whether the office of judge of the first judicial circuit is vacant, still adhere to the opinion expressed in a former report of the majority of said committee, that there is no vacancy in said office. The present incumbent, it appears, was elected by the Legislature, in 1842, and the language of the constitution is express, that the judges of the circuit court shall be elected for the term of four years from the date of their commissions. This clause of the constitution appears to the undersigned to bear but the one construction. There being then in their opinion clearly no vacancy, it follows, as a necessary result, that this Legislature has no constitutional powers to elect a judge for that circuit; and that to do so, would be disorganizing in its tendency, set a pernicious example, and in all probability, should always labor to prevent. They therefore recommend that the whole matter be laid upon the table, until the first day of the meeting of the next General Assembly, in 1846, which will have legitimate powers to act on this subject.

On motion of Mr. Collins, the report and subject matter of them, were laid on the table till to-morrow.

Mr. Lambert, from the committee who were appointed to call on bishop Morris, and tender the use of the Hall to him on Sunday next, for divine worship, on leave, reported:

Mr. Speaker,—Your committee to whom was referred the duty of waiting on bishop Morris, of the Methodist Episcopal church, now in the city, and tender to him, the use of the Representative Hall, for divine service, on Sabbath next, at such hour as might suit his convenience, have instructed me to report, that he thankfully accepts of the offer, and that it will suit his convenience to occupy the Representative Hall for divine service, on Sunday, at half past ten o'clock, A. M., and that twenty seats immediately in front of the Speaker's chair, is requested for the use of those who are to be consecrated to the holy ministry at that time.

All of which is respectfully submitted by

JORDAN B. LAMBERT, *Chairman*.

On motion of Mr. Floyd, the orders of the day were taken up.

The bill entitled "an act to establish the county of Liberty,"

Was taken up and read a third time and passed, and was sent to the Senate for assent.

The bill of the House, entitled "an act for the relief of James Jackson, coroner of Benton county,"

Was read a third time and passed, and was transmitted to the Senate for their assent.

Bill of the House, entitled "an act to regulate the price and sale of the 500,000 acres of land, donated to the State of Arkansas, for the purpose of internal improvement, and to establish a land office for that purpose,"

Was taken up and read a second time.

When Mr. Hays, from Pope, would amend, by adding as a separate section :

Be it further enacted, That so much of the said donation as has not been located by agents, shall, and may be taken by private entry, according to the provisions of this act, *provided however*, that such private entry shall not authorize any person to enter a less quantity than is stipulated by the act making the donation to the State of Arkansas by the general government,

Which was lost.

Mr. Gray amended, in section six, by striking out and inserting in the sixth section, after the word "required," "to take the bond of each individual for the land sold, payable in five annual instalments, bearing interest at the rate of six per cent per annum on each instalment from date until paid."

Which was adopted.

Also, striking out after the word "amount," in the second line of the 8th section, "with six per cent interest for the five years,"

Which was adopted.

Also, in lieu of section nine, in the bill,

Be it further enacted, That any person or persons, who are now settled, or have valuable improvements on any of said lands, shall have a pre-emption on the same, until the 1st of January, 1846.

Which was adopted.

And, that section nine of the bill, be made section ten.

Which was adopted.

Mr. Olive amended by inserting after the word "dollars," whenever it occurs in the bill, the words "in specie."

Mr. Dorris would amend by inserting a new section, before the enforcing section.

Be it further enacted, That the agent so created by the provisions of the foregoing act, shall have full power, and is hereby required to sell and dispose of the residue of the seventy-two sections of seminary lands, donated by the general government to this State, at such prices, and under such regulations as may be prescribed by law.

Which was adopted.

On motion of Mr. Collins, the bill was ordered engrossed for Monday, and made the order of the day for the committee of the whole House.

The bill entitled "an act making appropriation to pay special judges of the circuit courts."

Was read a second time, and

On motion of Mr. Floyd, the rules were suspended, and the bill

read a third time and passed, and was transmitted to the Senate for their assent.

The bill entitled "an act for the relief of Charles Sneed,"

Was taken up and read and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act to reduce the rate of interest, and to prevent persons from involving themselves in debt,"

Was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House, entitled "an act to change the time of holding probate courts in this State," was taken up and read, and

Mr. Hays moved to lay on the table indefinitely.

Mr. Wilson, of Washington, called for the ayes and nays, and they were ordered.

The members voting in the affirmative, are

Messrs. Alston, Bertrand, Bankhead, Bateman, Burke, Billingsly, Blackwell, Booker, Birney, Brown, of Johnson, Brown of Sevier, Cromwell, Cook, Croft, Collins, Culver, Clarke, of Independence, Clarke, of Carroll, Clarke, of Green, Dorris, Dawdy, Fowler, Franks, Greenwood, Garner, Gray, Hammond, Hightower, Hall, Hodges, Hays, Hughes, Logan, Lambert, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Russell, Robertson, Scott, Simpson, Shipp, Steele, Stubblefield, Sutton, Tackett and Ward—49.

The members voting in the negative, are

Messrs. Burke, Berry, Billingsly, Floyd, Hubbard, Hardin, Marshall, Owens, Sanders, Simmons, Smith, Sumner, Trapnall, Wilson of Johnson, Wilson of Washington—16.

So the bill was indefinitely postponed.

On motion of Mr. Miller, his vote given in the affirmative, ordered to be changed to negative.

The bill of the House, entitled "an act establishing the seat of justice of Poinsett county."

Was read a third time and passed, and the Senate informed thereof by message, and their assent asked.

Mr. Clarke, of Independence, offered

"Whereas, it has pleased an all-wise providence, to take from this body, the Hon. Mortimer W. Baltimore, and all funeral rites having been paid to his remains, therefore,

Resolved, That the clerk of this House be instructed to communicate to his bereaved widow, a copy of the proceedings of the Legislature on the sorrowful occasion."

On motion of Mr. Miller, the House adjourned.

SATURDAY MORNING, 9 o'clock, November 23d, 1844.

The House met pursuant to adjournment.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Bertrand from the committee on enrollments, on leave given, reported correctly enroled, the bill entitled "an act to change the time of holding circuit courts in Jackson and Pulaski counties."

Mr. Sutton, from the committee on claims, to whom was referred the petition of Wm. Arnett, sheriff and collector of Hempstead county, on leave, reported the petition and subject matter therein, back to the House by bill, entitled "an act for the relief of William Arnett, sheriff and collector of Hempstead county."

Which was read a first time.

Mr. Fowler, from the committee on the judiciary, to whom was referred the bill entitled "an act to amend the law as to assault and battery," on leave, reported the same back to the House with amendment,

Which was lost.

Mr. Logan, from the select committee, raised by resolution, to inquire into the propriety and expediency of memorializing Congress on the subject of extinguishing the Indian title to certain lands upon our western frontier, on leave, reported by memorial from the General Assembly of Arkansas, to the Congress of the United States, instructing our Senators and requesting our Representative in Congress, to use their influence and exertions to obtain an act to extinguish the said Indian titles to lands on the western frontier.

Which resolution was read a first time.

The Speaker presented to the House the following communication from the Hon. Chester Ashley.

*To the Senate and House of Representatives,
of the State of Arkansas:*

GENTLEMEN—Present indications warrant the belief that the democratic electoral ticket has succeeded in this State; and, therefore, that as I was one of the only three democratic candidates on that ticket, I am elected by the popular vote, to the office of elector for President and Vice President of the United States. Under these circumstances, the law requires that I shall attend in this city, on the first Wednesday in December next, and cast my vote; or in the event of my absence, that the Legislature, if in session, shall appoint an elector in my place. The office of Senator in the Congress of the United States, which you have recently done me the high honor of conferring upon me, requires my presence in Washington city, on or before the day appointed for casting the electoral vote of the State; and in order to reach Washington in time for the commencement of the session of Congress, I must leave here to-morrow morning.

I therefore take this method of notifying you of my intended absence, so that you may be prepared to select a suitable person to supply my place on the electoral ticket.

In return for the honor with which you have distinguished me, I

avail myself of this occasion to tender you my grateful acknowledgements; and an assurance of my faithful services.

With respectful consideration,

Your fellow citizen,

CHESTER ASHLEY.

LITTLE ROCK, Nov. 20th, 1844.

Which was read.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a memorial to Congress, praying an alteration in the act granting to the State of Arkansas seventy-two sections of land for the establishment of a seminary of learning within this State, so that the General Assembly of the State of Arkansas may have the power to appropriate the funds arising from the sale of said seventy-two sections to the use of common schools within the State.

The assent of the House of Representatives is respectfully asked thereto.

Mr. Bankhead gave notice, that on Wednesday next, he would ask leave to introduce a bill entitled "an act for the protection of slaveholders."

Pursuant to notice, Mr. Berry introduced a bill entitled "an act to repeal the 6th section of the 44th chapter of the revised statutes of Arkansas."

Which was read a first time.

Pursuant to notice, Mr. Floyd introduced a bill entitled "an act, making an appropriation for common schools."

Which was read a first time.

Mr. Shipp gave notice, that on Monday next, he would ask leave to introduce a bill to be entitled "an act to establish circuit courts in and for the county of Montgomery, and for other purposes."

Pursuant to notice, Mr. Russell introduced a bill entitled "an act declaring Fourche Lafevre a navigable stream."

Which was read a first time.

Pursuant to notice, Mr. Croft introduced a bill to be entitled "an act to call in the scrip of Green county."

Which was read a first time.

Pursuant to notice, Mr. Brown of Johnson, introduced a bill entitled "an act to amend the road law."

Which was read a first time.

Mr. Greenwood, from the committee on enrolments, on leave, reported that his excellency had approved and signed the bill of the House entitled "an act to change the time of holding the circuit courts of Jackson and Pulaski counties, approved, Nov. 23d, 1844.

Mr. Floyd called up the majority report of the committee on the judiciary, relative to the vacancy of the office of judge in the first judicial circuit, and moved the adoption of said report.

Mr Croft of Green, called for the ayes and nays, and they were ordered.

The members voting in the affirmative, are

Messrs. Blakemore, Berry, Brown of Johnson, Cromwell, Croft, Culver, Clarke of Carroll, Clarke of Green, Dawdy, Floyd, Franks, Greenwood, Garner, Gray, Hammond, Hightower, Hays, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Owens, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wilson of Johnson, Wilson of Washington—36.

The members voting in the negative, are

Messrs. Alston, Bertrand, Bankhead, Bateman, Burke, Billingsly, Blackwell, Booker, Brown of Sevier, Cook, Collins, Clarke of Independence, Dorris, Fowler, Hubbard, Hall, Hardin, Lambert, Olive, Parks, Riggs, Russell, Sanders, Scott, Simmons, Trapnall, Ward, Mr. Speaker—28.

So the report of the committee was adopted.

Pursuant to notice, Mr. Greenwood introduced a bill entitled "an act supplementary to an act for the better organization of the militia."

Which was read a first time.

Pursuant to notice, Mr. Tackett introduced a bill entitled "an act to define the northern boundary of Newton county."

Which was read a first time.

Mr. Mayers gave notice, that on Thursday next, he would ask leave to introduce a bill to be entitled "an act to repeal the 3d section of an act to amend the law in relation to gaming, approved 1st February, 1843."

Pursuant to notice, Mr. Blackwell introduced a resolution to amend the 33d and 34th sections of the constitution of the State of Arkansas under the title of Legislative department.

Which was read a first time.

Mr. Wilson, of Washington, gave notice, that on Monday next, he would introduce a bill to be entitled "an act to change the time of holding the probate court in the counties of Washington, Benton, Madison, Johnson and Hempstead." Also, a bill to be entitled "an act for the relief of Presley R. Smith, late Sheriff of Washington county."

Mr. Bertrand offered:

Resolved, That the standing committee on counties and county lines, inquire whether the several counties made and established under the State constitution, contain the constitutional number of square miles, and report to this House.

Which was adopted.

Mr. Parks gave notice, that on Monday next, he would introduce a bill to be entitled an act to extend the limitations to actions on written contracts."

Mr. Logan gave notice, that on Friday next, he would ask leave to introduce a bill to be entitled "an act to remove the present seat of government from Little Rock to Norristown, in Pope county."

Pursuant to notice, Mr. Lambert introduced a bill to amend the 2d section of "an act concerning forfeited lands."

Which was read a first time.

Pursuant to notice, Mr. McCoy introduced a bill entitled "an act for the relief of Reuben Persell."

Which was read a first time.

Mr. Floyd offered :

Resolved, That this House go into an election of judge of the first judicial circuit in this State, and also a board of education, on Monday next, at 12 o'clock, and that the Senate be invited to attend in the Hall of this House for that purpose, and the concurrence of the Senate is asked.

Which was laid on the table one day.

Mr. Strain, pursuant to notice, introduced a bill to be entitled "an act to incorporate the Far West Seminary.

Which was read a first time.

On motion of Mr Strain, the rules of the House were suspended, and the bill read a second time and committed to the standing committee on education.

On motion of Mr. Bertrand, the House adjourned.

MONDAY MORNING, 9 o'clock, November 25th, 1844.

The House met pursuant to adjournment.

On motion of Mr. Dawdy, leave of absence was granted to Mr. Clark of Green.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House entitled "an act establishing the seat of justice of Poinsett county."

Which is herewith returned.

Petitions from counties were in order.

Mr. Bankhead presented a petition from the Hon. John Field, praying for further or increased compensation as judge of the sixth judicial circuit.

Which was read, and on motion of Mr. Bankhead, was referred to the standing committee on claims.

Mr. Sutton presented a petition from Mrs. Eliza A. Lenox, praying for relief, by having a law passed that she might retain certain property for a certain time, in order that she might be enabled to pay certain debts, for which said property is liable, and release the same, from the proceeds of the products of said property.

Which was read, and committed to a select committee consisting of Messrs. Sutton, Garner and Trapnall.

Mr. Dawdy presented a petition from sundry citizens of Saline county, asking for the enactment of a law making appropriation for the purpose of improving the navigation of the Saline river.

Which was read, and on motion of Mr. Dawdy, was referred to the standing committee on internal improvement.

Mr. Sutton presented a petition from Mrs. Nancy Gaines, of Chicot county, asking the legislature to pass an act authorizing her to purchase, in her name, certain real estate.

Which was read, and referred to a select committee, consisting of Messrs. Sutton, Trapnall and Dorris.

Mr. Sutton presented a petition from sundry citizens of township 15, R. 1, in the county of Chicot, praying that the legislature pass a law authorizing the disposal of the sixteenth section in the said township.

Which was read, and on motion of Mr. Sutton, committed to the standing committee on education.

Mr. Fowler from the committee on the judiciary, on leave, reported the bill entitled "an act to abolish capital punishment," which had been committed for the consideration of said committee, back to the House, recommending the indefinite postponement of the same.

Mr. Floyd and Mr. Hodges of Searcy, being a minority of the said committee on the judiciary, on leave, reported, urging in elaborate arguments, the passage of the bill, and moving the rejection of the majority report by Mr. Fowler.

Mr. Floyd called for the ayes and nays, and they were ordered.

The members voting in the affirmative are,

Messrs. Bateman, Birney, Brown of Johnson, Brown of Sevier, Cook, Croft, Collins, Clark of Independence, Floyd, Franks, Hammond, Hodges, Hays, Owens, Steele, Sumner, Mr. Speaker—17.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bankhead, Blakemore, Burke, Billingsly, Blackwell, Birney, Cromwell, Culver, Clark of Carroll, Dorris, Duval, Fowler, Foster, Greenwood, Garner, Hubbard, Hightower, Hall, Hughes, Lambert, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Russell, Robertson, Sanders, Scott, Simmons, Shipp, Smith, Strain, Stubblefield, Sutton, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—49.

So the report was not laid on the table.

When the question recurred upon the majority report.

Which was adopted.

Mr. Greenwood from the committee on enrolments, on leave, reported correctly enrolled "an act to incorporate the Spring Hill male academy ;"

Also, "an act to grant a charter to Geo. W. Lemoyne, to build a bridge across Point Remove creek, in Conway county ;"

Also, a resolution instructing our delegation in Congress to procure, if possible, a mail route from Little Rock to Fort Smith, on the south side of the Arkansas river ;

Also, a resolution instructing our Senators in Congress and requesting our Representative to procure the passage of a law to authorize persons to enter land in half quarter sections, running east and west.

Mr. Strain from the standing committee on education, on leave, re-

ported the bill entitled "an act to incorporate the Far West seminary," back to the House with an amendment.

Which was adopted

Mr. Collins from the select committee to whom was referred the petition of James W. McClung and Malcolm McLeod, on leave, reported by bill to authorize James W. McClung and Malcolm McLeod to sell real estate.

Which was read the first time.

Pursuant to notice, Mr. Bankhead introduced a bill entitled "an act for the protection of slave holders."

Which was read a first time.

Mr. Foster, pursuant to notice, introduced a bill to authorize personal estates of deceased persons to be reserved from sale under certain circumstances.

Which was read a first time.

Mr. Croft of Green, pursuant to notice, introduced a memorial to the Congress of the United States, concerning the sunken lands in the north eastern part of the State.

Which was read a first time.

Mr. Marshall offered,

Resolved, That the committee on the judiciary to whom was referred various amendments to the constitution of the State of Arkansas, be and they are hereby requested to report the same back to this House at as early a day as possible.

On motion of Mr. Fowler, the resolution was laid on the table.

Pursuant to notice, Mr. Franks introduced a bill entitled "an act to provide for certain orphans, and for other purposes."

Which was read the first time.

On leave, Mr. Trapnall introduced a bill to amend an act entitled an act to prohibit the emigration and settlement of free negroes or free persons of color into this State, approved January 20th, 1843.

Which was read a first time, and on motion of Mr. Trapnall, the rules were dispensed with, and the bill read a second time, and referred to the committee on the judiciary.

Mr. Floyd gave notice that on to-morrow he would ask leave to introduce a bill to define and settle the lines between the counties of Johnson and Newton.

Mr. Shipp, pursuant to notice, introduced a bill to be entitled an act to establish circuit and county courts for the county of Montgomery.

Which was read a first time.

Mr. Berry gave notice that on Wednesday next, he would ask leave to introduce a bill to repeal the 13th section of the 8th division of the 44th chapter of the revised statutes, under the head of criminal jurisprudence, and for other purposes.

Mr. Hays offered a resolution, amending the constitution of the State of Arkansas, in the 29th section of article 4th, title "legislative department."

Which was read a first time.

Mr. Riggs gave notice, that he would introduce a bill on to-morrow

morning, to apportion the funds arising from the sales of the five hundred thousand acre donation among the counties of this State.

Mr. Brown of Johnson, gave notice that he would, on Wednesday next, ask leave to introduce a bill to change the mode and more fully to provide for the selecting petit jurors to the several circuit courts in this State, and for other purposes.

Mr. Fowler offered,

Resolved, That the meetings of this House be opened every morning by prayer, and that the ministers of the gospel now resident in Little Rock, be requested to attend for that purpose, one of them each morning, as may be most convenient to themselves.

Mr. Duval moved to lay on the table.

Mr. Fowler called for the ayes and nays, and they were ordered.

The members voting in the affirmative are,

Messrs. Alston, Bateman, Billingsly, Blackwell, Brown of Johnson, Clark of Independence, Clark of Carroll, Dorris, Duval, Garner, Hubbard, Hammond, Hodges, Hays, Marshall, Olive, Parks, Riggs, Russell, Scott, Simmons, Simpson, Shipp, Stubblefield—25.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Blakemore, Burke, Berry, Booker, Birney, Brown of Sevier, Cromwell, Cook, Croft, Culver, Dawdy, Floyd, Fowler, Foster, Franks, Greenwood, Hightower, Hall, Hardin, Logan, Lambert, Mayers, McCoy, Miller, Owens, Robertson, Sanders, Smith, Steele, Strain, Sumner, Sutton, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—41.

So the resolution was not laid on the table.

Mr. Mayers would amend the resolution by adding "and that each minister who may be required to perform the service, receive three dollars per day, out of any money in the treasury unappropriated.

Mr. Fowler moved to reject the amendment.

Mr. Hammond called for the ayes and nays, and they were ordered.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Blakemore, Burke, Berry, Blackwell, Booker, Birney, Brown of Johnson, Cook, Culver, Clark of Independence, Clark of Carroll, Duval, Dawdy, Fowler, Greenwood, Garner, Hubbard, Hightower, Hall, Hardin, Hays, Logan, Lambert, Marshall, McCoy, Miller, Owens, Parks, Riggs, Robertson, Sanders, Scott, Simmons, Simpson, Smith, Steele, Strain, Sumner, Sutton, Tackett, Ward, Wells, Wilson of Washington—45.

The members voting in the negative are,

Messrs. Bankhead, Bateman, Billingsly, Brown of Sevier, Cromwell, Croft, Collins, Dorris, Floyd, Foster, Franks, Hammond, Hodges, Mayers, Olive, Russell, Shipp, Stubblefield, Trapnall, Wilson of Johnson, Mr. Speaker—21.

So the amendment was laid on the table.

Mr. Trapnall called for the previous question.

Which was sustained.

The question was then put upon the adoption of the original resolution.

Mr. Fowler called for the ayes and nays, and they were ordered.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Croft, Culver, Dawdy, Floyd, Fowler, Franks, Greenwood, Garner, Hightower, Hall, Hardin, Logan, Lambert, Miller, Sanders, Smith, Strain, Trapnall, Ward, Wilson of Johnson, Wilson of Washington, Mr. Speaker—35.

The members voting in the negative are,

Messrs. Alston, Billingsly, Collins, Clark of Independence, Clark of Carroll, Dorris, Duval, Foster, Hubbard, Hammond, Hays, Mayers, Marshall, McCoy, Olive, Owens, Parks, Riggs, Russell, Robertson, Scott, Simmons, Simpson, Shipp, Steele, Stubblefield, Sumner, Sutton, Tackett, Wells—30. So the resolution was adopted.

On motion of Mr. Sutton, his vote was changed from negative to affirmative.

Mr. Collins gave notice that on to-morrow he would ask leave to introduce a bill entitled an "an act to pay the ministering clergy of this city who officiate in opening the sessions of this House by prayer."

On motion of Mr. Dawdy, the orders of the day were taken up.

When the House resolved itself into a committee of the whole on the remonstrance against the distribution of the proceeds of the sales of the public land.

Mr. Bertrand in the chair.

And after mature deliberation, the committee arose, and reported the resolution back to the House without amendment.

When the resolution was read a third time.

Mr. Owens called for the ayes and nays on the passage of the resolution, and they were ordered.

The members voting in the affirmative are,

Messrs. Bankhead, Blakemore, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Cromwell, Culver, Clark of Independence, Clark of Carroll, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Hubbard, Hammond, Hightower, Hall, Hodges, Hays, Logan, Mayers, Marshall, McCoy, Miller, Parks, Russell, Sanders, Simmons, Simpson, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—47.

The members voting in the negative are,

Messrs. Bertrand, Bateman, Burke, Brown of Sevier, Cook, Collins, Dorris, Fowler, Hardin, Lambert, Olive, Owens, Robertson, Shipp, Trapnall, Ward—16.

So the resolution was passed, and returned to the Senate where it originated.

The House with Mr. Greenwood in the chair, now went into committee of the whole, on the bill of the House entitled "an act to regulate the price of the 500,000 acres donated to the State of Ar-

kansas, by the general government, and to establish a land office at Little Rock."

After some time had in deliberation, the committee arose.

The chairman reported progress, and asked leave to sit again to-morrow.

On motion of Mr. Mayers, the House adjourned.

TUESDAY MORNING, 9 o'clock, November 26th, 1844.

The House met pursuant to adjournment.

The Rev. Mr. Cephas Washburn officiated as chaplain.

On leave, Mr. Olive's vote was changed from the negative to the affirmative, on the remonstrance against the distribution of the proceeds of the public lands, on yesterday.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House of Representatives, entitled "an act making appropriations to pay special judges of the circuit court."

Which is herewith returned.

Petitions from counties were in order.

Mr. McCoy presented a petition from sundry citizens of Jackson, Poinsett and St. Francis, counties, asking the erection and establishment of a new county, to be called Calhoun.

Which was read, and on motion of Mr. McCoy, was referred to the standing committee on counties and county lines.

On motion, of Mr. Cromwell, Mr. McCoy was added to the committee on counties and county lines.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed a bill to be entitled "an act to repeal the act authorizing a geological survey of the State of Arkansas."

Which is herewith respectfully transmitted for the assent of the House of Representatives.

Mr. Dorriss pursuant to notice, introduced a bill to be entitled "an act to amend an act, approved Dec. 28, 1840, authorizing the sale of the seminary lands."

Which was read a first time.

Mr. Floyd gave notice that on Monday next he would introduce a bill to regulate the practice of law, so as to define the law of amendment.

Mr. Cook gave notice that on to-morrow he would introduce a bill

declaring Little Red river a navigable stream, from its junction with White river, to the salt spring in Conway county.

Pursuant to notice, Mr. Sutton introduced a bill entitled "an act changing the time of holding the circuit court in Desha county, and for other purposes."

Which was read a first time.

Mr. Owens gave notice that on to-morrow he would ask leave to introduce a bill entitled "an act to increase the duty of county clerks in the State of Arkansas."

Also, an act to repeal the 20th and 21st sections of chapter 39 of the revised statutes of this State.

Also, a bill to be entitled "an act for the relief of Willis S. Smith, late sheriff of Clark county."

Mr. Hall, pursuant to notice, introduced a memorial to Congress, asking for the appropriation of \$100,000 for the purpose of completing the national road from Memphis to Little Rock.

Which was read a first time.

Mr. Parks, pursuant to notice, introduced a bill entitled "an act to amend the law of administration."

Which was read a first time, and on motion of Mr. Mayers, referred to the committee on the judiciary.

Mr. Gray gave notice that on to-morrow he would ask leave to introduce a bill for the relief of Willis S. Smith, late sheriff of Clark county.

Pursuant to notice, Mr. Blakemore introduced a bill entitled "an act to call in the scrip of Washington county."

Which was read a first time.

When on motion of Mr. Simpson, the rules were suspended, and the bill read a second time, and on motion of Mr. Owens, was referred to the committee on the judiciary.

Mr. Greenwood, on leave, introduced a bill entitled "an act to amend an act entitled an act to place the bank of the State of Arkansas in liquidation, approved Feb. 3d, 1843."

Which was read a first time, and on motion of Mr. Greenwood, the rules were dispensed with, and the bill read a second time, and was referred to the standing committee on banks, and 100 copies ordered printed.

Pursuant to notice, Mr. Clark of Independence, introduced a bill entitled "an act to suppress betting on elections, and for other purposes."

Which was read a first time.

On motion of Mr. Dawdy, the orders of the day were taken up.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House, entitled "an act for the relief of Charles Sneed, late sheriff of Carroll county, Arkansas." Which is herewith returned.

The Senate have passed an act for the relief of Isaac N. Jackson, sheriff of Sevier county.

Which is herewith submitted for the assent of the House of Representatives, which is respectfully asked.

Also, the Senate have adopted the following resolution :

Resolved, That when any bill, report or resolution be printed by order of the Senate, the secretary furnish the desk of the House of Representatives with seventy-five copies of the same, and that the House be informed of this resolution.

The concurrence of the House of Representatives is respectfully asked.

The Senate have also passed a series of resolutions, declaring the establishment of a national bank unconstitutional, and dangerous to the liberties of the people, and instructing our Senators and requesting our Representative to use every exertion in their power to prevent the establishment of such an institution under any form whatever.

Which are herewith submitted, and the assent of the House of Representatives is respectfully asked thereto.

The bill of the House entitled "an act to regulate the price and sale of the five hundred thousand acres of land donated to the State of Arkansas, and to establish a land office at Little Rock," was called up in the orders of the day, and the House resolved itself into a committee of the whole, on said bill.

Mr. Greenwood in the chair.

And after some time had in deliberation, the committee arose and reported the bill back to the House with several amendments.

The first amendments in section first were adopted.

When Mr. Bertrand offered to amend the amendment in the second section, by striking out in the last line, \$500, and inserting \$400, as salary for said land agent, and called for the ayes and nays, and they were ordered.

The members voting in the affirmative are,

Messrs. Bertrand, Bateman, Birney, Dorris, Fowler, Hall, Hardin, Lambert, Mayers, Marshall, McCoy, Mitchell, Owens, Parks, Sanders, Simpson, Stubblefield—17.

The members voting in the negative are,

Messrs. Alston, Blakemore, Burke, Billingsly, Blackwell, Booker, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hodges, Hays, Logan, Miller, Olive, Riggs, Russell, Scott, Simmons, Shipp, Smith, Steele, Strain, Sumner, Sutton, Tackett, Trappall, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—48.

So the amendment was lost.

Mr. Floyd would amend by inserting \$600 in lieu of \$500.

Which was lost.

Mr. Collins moved to adjourn.

Mr. Floyd called for the ayes and nays, and they were not sustained.

On motion of Mr. Greenwood, ordered a call of the House.

The roll was called, and found absent, Messrs. Hammond, Hightower, Hughes and Robertson.

When the sergeant-at-arms was sent for absentees, and the business of the House suspended for one hour, it now being 10 minutes past 12, m.

At 15 minutes before one, the absentees appearing in the hall, business was resumed.

When on motion of Mr. Duval, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, Nov, 27th, 1844.

The House met pursuant to adjournment.

The Rev. Cephas Washburn officiated as chaplain.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Greenwood, from the standing committee on enrolments, on leave, reported correctly enrolled the bill entitled "an act to establish and confirm the seat of justice of Poinsett county."

A message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have not concurred in the following resolution of the House, to wit :

Resolved by this House, That the county of Montgomery be furnished with the number of copies of the revised statutes of this State, to which she is by law entitled ; that the Senate concur herein.

And that the secretary of State be required to forward the same to Mount Ida post office in said county of Montgomery. :

But have adopted in lieu thereof, the following :

Resolved, by the General Assembly of the State of Arkansas, That the county of Montgomery be furnished with the number of revised statutes and acts of the legislature, and decisions of the supreme court, that she is entitled to by law ; and that the secretary of State cause to be delivered to the clerk of the circuit court of said county of Montgomery, said revised statutes, acts and decisions as soon as practicable.

All of which is respectfully submitted for the assent of the House of Representatives.

The Senate withhold their assent from the bill of the House entitled "an act to repeal the third section of an act prescribing the time of holding the circuit courts for the several judicial circuits, approved the 1st day of February, 1843, and for other purposes," and have passed a substitute therefor.

Which is herewith transmitted, and the assent of the House of Representatives is respectfully asked thereto.

Also, that the Senate have assented to the bill of the House entitled "an act to establish the county of Liberty," with an amendment thereto.

Which is herewith submitted for the assent of the House of Representatives.

The substitute of the bill of the House entitled "an act to repeal the 3d section of an act prescribing the time of holding the circuit courts of the several judicial circuits, approved the first day of Feb., 1843, and for other purposes," from the Senate, was taken up, and assented to on the first reading.

The amendment of the Senate to the bill of the House entitled "an act to establish the county of Liberty," was taken up and assented to, and the county called Polk.

Pursuant to notice, Mr. Floyd introduced a bill entitled "an act to change and define the line between the counties of Johnson and Newton."

Which was read a first time.

Pursuant to notice, Mr. Collins introduced a bill to compensate the ministering clergy who shall open the House with prayer each morning.

Which was read a first time.

Pursuant to notice, Mr. Cook introduced a bill to be entitled "an act declaring Little Red river a navigable stream."

Which was read a first time.

Pursuant to notice, Mr. Scott introduced a bill entitled "an act to locate a road from Little Rock to Fort Smith, on the south side of the Arkansas river."

Which was read a first time.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to repeal the 42d section of an act entitled an act to establish a system of common schools in the State of Arkansas, approved the 3d day of February, 1843."

Which is herewith submitted, and the assent of the House of Representatives respectfully asked.

Mr. Hall offered,

Resolved, That this House, believe that the people's money is unnecessarily spent by the course now pursued, and that there shall not be any new bill introduced into this House, after the thirteenth of the present month, except the general appropriation bill.

On motion of Mr. Mayers, the resolution was laid on the table indefinitely.

Pusuant to notice, Mr. Owens introduced a bill to be entitled "an act to increase the duties of county clerks in the State of Arkansas."

Which was read a first time.

Also, an act to repeal the 20th and 21st sections of chapter 39 of the revised statutes of this State.

Which was read a first time.

Also, an act for the relief of Willis S. Smith, late sheriff of Clark county.

Which was read a first time.

Mr. Dorris gave notice that he would on to-morrow, ask leave to introduce a bill defining the county line between Jefferson and Bradley counties.

Pursuant to notice, Mr. Wilson of Washington, introduced a bill entitled "an act for the relief of Presley R. Smith, late sheriff of Washington county."

Which was read a first time.

Pursuant to notice, Mr. Riggs introduced a bill to distribute the proceeds of the 500,000 acres of land, among the several counties.

Which was read a first time.

Mr. Croft in the chair.

Mr. Hodges gave notice that on Monday next he would ask leave to introduce a bill entitled "an act to call in the scrip of Searcy county."

Mr. Fowler gave notice that on to-morrow he would ask leave to introduce a bill to be entitled "an act regulating the duties and fees of constables."

Mr. Clark of Green, gave notice that he would ask leave, on to-morrow, to introduce a bill entitled "an act to change the time of holding the county courts in Green county."

Pursuant to notice, Mr. Gray introduced a bill entitled "an act for the relief of Willis S. Smith, sheriff of Clark county."

Which was read a first time.

When, on motion of Mr. Gray, the rules of the House were suspended, and the bill read a second time, and committed to a select committee consisting of Messrs. Gray, Owens and Physick.

Mr. Steele of Franklin, gave notice that on to-morrow he would ask leave to introduce a bill for the suppression of intemperance on the frontier line.

On motion of Mr. Berry, the orders of the day were taken up.

The bill of the House regulating the price of the 500,000 acres of land donated to the State of Arkansas for internal improvement, and to locate a land office in the city of Little Rock, was again called up, and the amendment to the amendment from the committee of the whole, "to strike out \$500 as salary for the agent appointed by the said act, and insert \$600, was again read, and Mr. Floyd called for the yeas and nays, and they were ordered.

The members voting in the affirmative, are

Messrs. Bankhead, Booker, Culver, Duval, Floyd, Foster, Garner, Hightower, Hays, Hughes, Mayers, Mr. Speaker—12.

The members voting in the negative, are,

Messrs. Alston, Bertrand, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Brown of Johnson, Brown of Sevier, Cross, Crom-

well, Cook, Croft, Collins, Clark of Carroll, Clark of Green, Dawdy, Fowler, Franks, Greenwood, Gray, Hubbard, Hammond, Hall, Hardin, Hodges, Logan, Lambert, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Riggs, Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—58.

So the amendment was not adopted.

The question then was put on the adoption of the committee's amendment, and it was adopted.

The amendment to fill up the blank for the amount of bond and security to be given by said land agent, was filled up with twenty-five thousand dollars. Adopted.

The amendment to have the land office kept in one of the rooms of the capitol, was adopted.

The amendment limiting the number of acres that any one person might enter under the provisions of this act, to 640 acres, was adopted, and that it should be in contiguous subdivisions, as by legal surveys, was adopted.

And the amendment abolishing the office of private secretary to the Governor, was adopted to section ten.

Mr. Trapnall would amend the amendment proposed by Mr. Hays as section eleven, by inserting after the words "five hundred thousand acres," "excepting the 5,000 acres reserved for the use of a geological survey of the State, as contemplated by the act authorizing a geological survey of the State of Arkansas, approved Feb. 2d, 1843."

Mr. Fowler called for the yeas and nays, on Mr. Trapnall's amendment, and they were ordered.

The members voting in the affirmative, are,

Messrs. Bertrand, Bankhead, Bateman, Burke, Billingsly, Booker, Brown of Sevier, Cook, Croft, Collins, Culver, Duval, Dawdy, Floyd, Fowler, Foster, Franks, Garner, Gray, Hightower, Hall, Hardin, Hodges, Hughes, Lambert, Mayers, McCoy, Owens, Parks, Russell, Robertson, Sanders, Smith, Steele, Strain, Sumner, Sutton, Trapnall, Ward, Wilson of Johnson, Wilson of Washington—41.

The members voting in the negative, are,

Messrs. Alston, Blakemore, Berry, Blackwell, Birney, Brown of Johnson, Cross, Cromwell, Clark of Carroll, Clark of Green, Greenwood, Hubbard, Hammond, Hays, Logan, Marshall, Miller, Mitchell, Olive, Riggs, Scott, Simmons, Simpson, Shipp, Stubblefield, Tackett, Wells, Mr. Speaker—28.

So the amendment to the amendment was adopted, and the section eleven was then adopted as amended.

Mr. Greenwood then offered to amend the bill by inserting section twelve.

Which was adopted.

Mr. Fowler would amend the 5th section by striking out, "an unmarried man over the age of 21 years, a head of a family, a widow."

Which was adopted.

On motion of Mr. Mayers, the bill was ordered engrossed.

The bill of the House entitled "an act to repeal the 80th chapter of the revised statutes, and for other purposes, was taken up and read.

Mr. Greenwood amended the 5th section in 3d line, by striking out the word "goods."

The bill was then put upon its passage.

Mr. Floyd called for the yeas and nays, and they were ordered.

The members voting for the passage of the bill, are,

Messrs, Bateman, Brown of Johnson, Cromwell, Culver, Clark of Green, Dawdy, Floyd, Franks, Greenwood, Gray, Hubbard, Hammond, Hightower, Hodges, Logan, Mayers, McCoy, Mitchell, Riggs, Robertson, Shipp, Strain, Sutton, Wilson of Johnson, Mr. Speaker—25:

The members voting in the negative, are,

Messrs. Alston, Bertrand, Bankhead, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Sevier, Cross, Croft, Collins, Clark of Carroll, Dorris, Duval, Fowler, Foster, Garner, Hall, Hardin, Hays, Hughes, Lambert, Marshall, Miller, Olive, Owens, Parks, Russell, Sanders, Scott, Simmons, Simpson, Smith, Steele, Stubblefield, Sumner, Tackett, Trapnall, Ward, Wells, Wilson of Washington—45.

So the bill was lost.

Message from the executive, signifying the Governor's approving and signing the act to grant a charter to Geo. W. Lemoyne, for the purpose of building a bridge across Point Remove creek, in Conway county, in the State of Arkansas.

Also an act to incorporate Spring Hill Male Academy.

Also a resolution instructing our Senators and requesting our Representative in Congress to establish a certain mail route.

Also a resolution instructing our Senators and requesting our Representative to procure a law concerning the sales of the seminary lands, &c.

The bill of the House entitled "an act for the relief of Samuel Adams, was taken up and read a third time, and passed, and was sent to the Senate for their assent.

The bill entitled "an act to change the name of Elijah Smith Parrott," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act making penal the obliteration of the poll books of elections," was taken up and read a third time and passed, and was sent to the Senate for their assent.

On motion of Mr. Mayers, the House adjourned.

THURSDAY MORNING, 9 o'clock, Nov. 28th, 1844.

The House met pursuant to adjournment.

The Rev. Andrew Hunter, officiated as chaplain.

Petitions from counties were in order.

Mr. Bertrand presented a petition from sundry citizens of Pulaski and Saline counties, praying for an alteration in the divisional line between the two counties.

Was read and referred to the select committee consisting of Messrs. Fowler, Cook, Lambert, Cross, and Simmons.

Mr. Simmons presented a petition from sundry citizens of the counties of Pulaski, Conway, White, and Van Buren, asking for the establishment of a new county, from parts of each of the said counties.

Which was read and referred to committee consisting of Messrs. Fowler, Cook, Clark of Carroll, and Olive.

Mr. Fowler presented a petition from sundry citizens of Monroe county, residing on the west side of White river, asking that in case of a new county being erected from Pulaski county, that they may be attached to the same.

Which was read, and referred to the committee consisting of Messrs. Fowler, Cook, Lambert, Cross, and Simmons.

Mr. Greenwood, from the committee on enrolments, on leave, reported correctly enrolled the bill of the House entitled "an act for the relief of Charles Sneed, late sheriff of Carroll county."

Also "an act making appropriation for the pay of special judges."

Mr. Fowler, from the committee on the judiciary, on leave given, reported back to the House, with amendments, the bill entitled "an act to amend an act entitled an act to prohibit the emigration and settlement of free negroes and free persons of color in this State, approved January 20th, 1843." And "an act to call in the scrip of Washington county."

Which amendments were adopted.

And also, the bill of the House entitled "an act to amend the law of administration." That most of the provisions in said bill is now the law of the land. And that the committee recommend the indefinite postponement of said bill.

Which was adopted.

Mr. Billingsly gave notice that, on Friday next, he would ask leave to introduce a bill to be entitled "an act to simplify the proceedings before a justice of the peace in State cases."

Mr. Collins gave notice that, on Monday next, he would ask leave to introduce a bill to separate certain classes of convicts in the penitentiary from other convicts.

Mr. Sutton, from the committee to whom was referred the petition of Mrs. Eliza A. Lenox, widow of John Lenox, late of Arkansas county, asking the legislature to pass a law authorizing the officers of the State bank to collect no interest or call on the estate of her deceased husband, for the space of two years; and to exempt the said estate from the usual course of administration, on leave given, reported, by bill entitled "an act for the relief of the heirs and legal representatives of John Lenox."

Which was read a first time.

Also, Mr. Sutton, from the committee to whom was referred the petition of Mrs. Nancy Gaines, of Chicot county, asking that the legislature grant to her authority to purchase certain lands, and allow her to hold the same in her own name and right, on leave, reported by bill entitled "an act for the relief of Nancy Gaines."

The bill was read a first time.

On motion of Mr. McCoy, Mr. Blackwell was added to the committee on counties and county lines.

Pursuant to notice, Mr. Mayers introduced a bill entitled "an act to repeal the 3d section of an act entitled an act to amend the law in relation to gaming, approved the 19th December, 1840, and for other purposes."

Which was read a first time.

Pursuant to notice, Mr. Fowler introduced a bill to be entitled "an act regulating the duties and fees of constables."

Which was read a first time.

Pursuant to notice, Mr. Steele of Franklin introduced a bill entitled "an act to suppress intemperance on the frontier."

Which was read a first time.

And, on motion of Mr. Mayers, the rules were suspended, and the bill read a second time.

And, on motion of Mr. Mayers, laid on the table indefinitely.

Mr. Croft offered:

Resolved, That the committee on internal improvement be instructed to enquire into the expediency of opening a road commencing at Helena, via Mount Vernon, via Bolivar, via Pocahontas, and thence to Powhattan, in Lawrence county; and said committee report by bill or otherwise.

Was read and laid on the table.

Pursuant to notice, Mr. Berry introduced an act to repeal the 13th section of the first article of the 44th chapter of the revised statutes.

Which was read a first time.

Mr. Strain gave notice that, on Saturday next, he would ask leave to introduce a bill to be entitled "an act in relation to imprisonment in civil cases."

Mr. Sanders gave notice that, on to-morrow, he would ask leave to introduce a bill in relation to assessing property, and for other purposes.

Mr. Gray offered:

Resolved, That the standing committee on counties and county lines be authorized to procure from David Shall, chief clerk in the surveyor general's office, a diagram of the State of Arkansas, with the counties and county lines properly defined, according to the several acts defining the same, also the principal water courses, townships and range lines, &c., properly laid down, with the number of square miles in each county, and that the auditor be required to pay for the same.

Which was adopted.

Mr. Dorris gave notice that, on Monday next, he would ask leave

to introduce a bill entitled "an act authorizing prayers and divine service to be had in the State prison, for the benefit of the convicts."

Mr. Brown of Johnson, pursuant to notice, introduced a bill altering the mode of selecting petit jurors, and providing for their compensation.

Which was read a first time.

Mr. Scott offered :

Resolved, That the auditor be required to furnish to this House a list of the names of all persons publicly employed by the executive department of the State, showing their compensation whether by per annum salary, per diem pay, or fees, or otherwise, since the adjournment of the last legislature.

Which was read and adopted.

Mr. Clark of Green, pursuant to notice, introduced a bill to be entitled "an act to change the time of holding the county and probate courts in Green county."

Which was read a first time.

On motion of Mr. Blackwell, the orders of the day were taken up.

The bill to incorporate the Far West Seminary, was taken up and read.

Mr. Floyd offered to amend, by inserting a separate section :

Be it further enacted, That the legislature shall have power to alter and amend or repeal this charter, when they may deem it expedient to do so, and appoint trustees to receive the assets and liquidate the same.

Mr. Floyd called for the yeas and nays on the adoption of the amendment, and they were ordered.

The members voting in the affirmative, are,

Messrs. Alston, Blakemore, Birney, Brown of Johnson, Cromwell, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dawdy, Floyd, Hubbard, Hammond, Hays, Logan, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Russell, Simpson, Shipp, Steele, Stubblefield, Wells, Wilson of Johnson, Mr. Speaker—30.

The members of the House voting in the negative, are,

Messrs. Bankhead, Bateman, Bertrand, Burke, Berry, Billingsly, Blackwell, Booker, Brown of Sevier, Cross, Cook, Collins, Dorris, Duval, Fowler, Foster, Franks, Garner, Gray, Hightower, Hall, Hardin, Hughes, Lambert, Mayers, Owens, Physick, Riggs, Robertson, Sanders, Scott, Simmons, Smith, Strain, Sumner, Sutton, Tackett, Trapnall, Ward, Wilson of Washington—40.

So the amendment was lost.

The question was then put upon the passage of the bill.

Mr. Strain called for the yeas and nays, and they were ordered.

The members voting for the bill, are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Berry, Billingsly, Blackwell, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Collins, Culver, Clark of Carroll, Clark of Green, Dorris, Dawdy, Floyd, Fowler, Foster, Franks, Garner, Gray, Hightower, Hall, Hardin, Hughes, Logan, Lambert, Mitchell, Owens,

Physick, Riggs, Robertson, Sanders, Scott, Simmons, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Trapnall, Ward, Wilson of Johnson, Wilson of Washington—50.

The members voting in the negative, are,

Messrs. Croft, Clark of Independence, Duval, Greenwood, Hubbard, Hammond, Hays, Mayers, Marshall, McCoy, Miller, Olive, Parks, Russell, Simpson, Shipp, Wells, Mr. Speaker—18.

So the bill was passed, and transmitted to the Senate for their assent.

On leave, Mr. Fowler, from the committee on the judiciary, to whom was committed several resolutions of the House proposing several amendments to the constitution of the State of Arkansas, reported the same back to the House with a substitute.

Mr. Marshall called for the yeas and nays on the adoption of the substitute, and they were ordered.

The members voting in the affirmative, are,

Messrs. Alston, Bertrand, Bateman, Burke, Berry, Blackwell, Birney, Brown of Johnson, Brown of Sevier, Cross, Cook, Collins, Clark of Independence, Clark of Carroll, Clark of Green, Dorriss, Duval, Dawdy, Floyd, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hammond, Hightower, Hall, Hardin, Hodges, Logan, Lambert, Mayers, McCoy, Miller, Mitchell, Olive, Owens, Physick, Riggs, Russell, Robinson, Sanders, Simmons, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Ward, Wilson of Washington, Wilson of Johnson, Mr. Speaker—58.

The members voting in the negative, are,

Messrs. Bankhead, Blakemore, Billingsly, Cromwell, Croft, Culver, Hubbard, Hays, Marshall, Parks, Scott, Simpson, Wells—13.

So the substitute was adopted, and came to the second reading.

On motion of Mr. Bertrand, 100 copies ordered printed.

On motion of Mr. Bankhead, his vote was changed from negative to affirmative.

The bill to regulate the price and sale of the 500,000 acres of land, and for other purposes, was taken up and read.

Mr. Mayers would amend by inserting a separate section :

Be it further enacted, That there shall be established at two different points in the State, land offices, that shall be kept open for two weeks, for the purpose of selling the land at public sale to the highest bidder for cash, and that the above sales shall be advertised in all the newspapers in the State, for three months previous to the said sales, and that no land shall be subject to entry at one dollar and twenty-five cents per acre, until so offered at public sale.

Which amendment was lost.

Mr. Bertrand would amend, by adding section 14 :

And be it further enacted, That the Governor be, and he is hereby, authorized to employ some competent person to make out and furnish to said land office all plats that shall be necessary to carry on its operations.

Which was adopted.

Mr. Mayers moved to lay the bill on the table indefinitely, and called for the yeas and nays.

The members voting in the affirmative,

Messrs. Blakemore, Billingsly, Croft, Hubbard, Hammond, Hall, Hardin, Hodges, Mayers, Marshall, McCoy, Miller, Mitchell, Simmons, Simpson, Strain, Stubblefield, Wells, Wilson of Washington—20.

The members voting in the negative, are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Burke, Berry, Blackwell, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Dawdy, Floyd, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hays, Hughes, Logan, Lambert, Olive, Owens, Parks, Physick, Riggs, Russell, Robertson, Sanders, Scott, Shipp, Smith, Steele, Sumner, Sutton, Tackett, Ward, Wilson of Johnson—47.

So the bill was not laid on the table.

On motion of Mr. Duval, the bill was recommitted to a select committee of seven, consisting of Messrs. Duval, Floyd, Fowler, Dawdy, Wilson of Washington, Simmons and Blackwell.

On motion of Mr. Mayers, the House adjourned.

FRIDAY MORNING, 9 o'clock, 29th November, 1844.

The House met pursuant to adjournment.

The Rev. Andrew Hunter officiated as chaplain.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed a bill to be entitled an act declaring White river a navigable stream.

Also a bill to be entitled an act to repeal an act approved the 3d day of February, 1843, relating to public roads and the overseers thereon.

Which are herewith submitted, and the assent of the House of Representatives respectfully asked thereto.

The Senate have assented to the bill of the House of Representatives entitled an act for the relief of James Jackson, coroner of Benton county.

Which is herewith returned.

The Senate have passed resolutions instructing our Senators in Congress and requesting our Representative to use all honorable means to procure the annexation of Texas to the United States.

Which are herewith submitted, and the concurrence of the House of Representatives respectfully asked thereto.

Petitions from counties were in order.

Mr. Lambert presented a memorial from sundry citizens of Monroe county, remonstrating against the erection of a new county proposing to take any of the territory of Monroe county.

Which was read, and referred to a select committee consisting of Messrs. Lambert, Fowler, McCoy, Cook and Cross.

On motion of Mr. Birney, leave of absence was granted to Mr. Hughes, on account of indisposition.

On motion of Mr. Hubbard, leave of absence was granted to Mr. Hardin, on account of the indisposition of his family.

Mr. Sutton, from the committee on claims, to whom was referred the petition of the Hon. John Field, asking for the appropriation of \$300 for his benefit, on leave, reported that he had been instructed by the committee to express the opinion of the committee, after mature consideration, is, that the petition should be rejected.

Mr. Floyd offered:

Resolved, That the committee on banks be, and they are hereby, required to procure from the principal bank of the State of Arkansas, and all the branches of said bank, a full and complete abstract of all the debtors as principals and securities, the condition that they are in, whether in suit, whether the call has been paid, and further, the full and complete condition of every claim due said banks, and that they are hereby required to superintend the printing of 200 copies of the same in pamphlet form, for the use of the members of this House.

Mr. Duval moved to lay the resolution on the table.

Mr. Floyd called for the yeas and nays, and they were ordered.

The members voting in the affirmative, are,

Messrs. Bankhead, Blakemore, Billingsly, Blackwell, Birney, Brown of Sevier, Cross, Cromwell, Collins, Clark of Carroll, Duval, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hall, Hays, Lambert, Simmons, Strain, Sutton, Tackett, Trapnall, Ward, Wilson of Washington, Mr. Speaker—28.

The members voting in the negative, are,

Messrs. Alston, Bertrand, Bateman, Burke, Berry, Booker, Brown of Johnson, Cook, Croft, Culver, Clark of Independence, Clark of Green, Dawdy, Floyd, Hubbard, Hodges, Logan, Mayers, Marshall, McCoy, Mitchell, Olive, Owens, Parks, Physick, Riggs, Russell, Sanders, Scott, Simpson, Shipp, Smith, Steele, Stubblefield, Sumner, Wells, Wilson—38.

So the resolution was not laid on the table.

When Mr. Bertrand would amend, by striking out all after the word banks, viz:

“And that they are hereby requested to superintend the printing of 200 copies of the same in pamphlet form, for the use of this House.”

Which amendment was adopted.

When the resolution as amended was adopted.

Mr. Gray, from the select committee to whom, was committed the bill entitled an act for the benefit of Willis S. Smith, on leave, reported the same with two amendments, which were adopted.

On motion of Mr. Wilson of Washington, Mr. McCoy was added to the committee on the auditor's books.

On motion of Mr. Greenwood, Mr. Dorris was added to the committee on banks.

On motion of Mr. Sutton, Messrs. Billingsly and Scott were added to the committee on banks.

On motion of Mr. Hubbard, Mr. Floyd was added to the special committee on the State bank.

Mr. Dorris gave notice that, on to morrow, he would ask leave to introduce a bill authorizing Absalom Fowler, guardian of Frances E. Desha, to transfer the said ward's property to her guardian in the State of Kentucky, and for other purposes.

Mr. Collins gave notice that, on Monday next, he would ask leave to introduce a bill entitled an act to make appropriations to defray the funeral expenses of the late Hon. M. W. Baltimore, and for other purposes.

Pursuant to notice, Mr. Billingsly introduced a bill entitled an act to simplify proceedings before justices of the peace.

Which was read a first time.

Mr. Sutton gave notice that, on Monday next, he would ask leave to introduce a bill entitled an act more specifically to define the boundary line between Monroe and Desha counties, and for other purposes.

Mr. Hays offered:

Resolved, That a committee of five be appointed, whose duty it shall be to inquire into the expediency of establishing a seminary of learning with the funds arising from the seventy-two acres of land donated to the State of Arkansas by the general government for that purpose, and that they report to this House by bill or otherwise.

Which was adopted.

And the Speaker appointed Messrs. Hays, Floyd, Strain, Collins and Clark of Independence, committee.

Mr. Mayers offered:

Resolved, That the committee on the Real Estate bank report to this House the condition of said bank, on or before next Wednesday.

Which was adopted.

On leave, Mr. Bertrand was excused from serving on the committee on the Real Estate bank.

On motion of Mr. Bertrand,

The letter of Fred Huth & Co., to the Governor, and the memorial of Fred. Huth & Co., and others,

Was referred to the standing committee on ways and means, with instructions to report, &c.

On motion of Mr. Floyd, the business on the Speaker's table was ordered up.

The bill of the House entitled "an act to change the time of holding county and probate courts in Green county,"

Was taken up and read a second time.

On motion of Mr. Croft, was laid on the table til 4th July next.

The bill of the House, entitled "an act changing the time of holding the general elections in this State, was taken up and read a second time, and ordered to be engrossed for 3d reading on Monday.

The bill of the House to improve the navigation of Little Red river, Was taken up and read a second time.

Mr. Blackwell would lay the bill on the table til the 4th July next.

Mr. Hubbard called for the ayes and nays, and they were ordered.

The members voting in the affirmative, are

Messrs. Alston, Bertrand, Bankhead, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Duval, Dawdy, Floyd, Foster, Franks, Garner, Gray, Hubbard, Hall, Hays, Logan, Lambert, Mayers, Marshall, Miller, Mitchell, Owens, Parks, Physick, Riggs, Russell, Sanders, Scott, Simmons, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Ward Wells, Wilson of Johnson, Wilson of Washington.—58.

The members voting in the negative, are

Messrs. Bateman, Cook, Fowler, Greenwood, Hodges, McCoy, Olive, Robertson, Mr. Speaker—9.

So the bill was laid on the table till the 4th of July next.

Message from the Senate by secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House of Representatives entitled "an act to incorporate the Far West Seminary."

Which is herewith returned.

The bill of the House entitled "an act to repeal a part of the road law,"

Was taken up and read,

And, on motion of Mr. Mayers, referred to the committee on internal improvements.

The memorial to Congress, asking that the mail from Little Rock to Fulton, on Red river, in Arkansas, be carried with four horse coaches, was taken up, and read a second time.

The bill of the House, entitled "an act for the relief of Redding Busby,"

Was read a second time.

Mr. Collins amended, by adding, "and that the provisions of this act shall also be extended to John Holloway, of Crittenden county."

Which was adopted, and the bill ordered engrossed for a third reading on to-morrow.

Message from the Governor by his private secretary, L. J. Reardon,

Informing the House of the approval and signature of the executive, to the bill entitled "an act to establish and confirm the seat of justice of Poinset county."

Also, a resolution instructing our Senators, and requesting our Representative in Congress on the subject of the distribution of the proceeds of the public lands.

And also, he would submit to your consideration, the report of the commissiouer of public buildings.

All of which was read.

The bill entitled "an act to incorporate the Spring Hill female academy,"

Was taken up and read a second time, and ordered engrossed for to-morrow.

The bill entitled "an act to amend the law concerning the lien of mechanics,"

Was taken up and read a second time.

The bill entitled "an act for the relief of William Arnett, sheriff of Hempstead county,"

Was taken up and read a second time, and ordered engrossed.

The bill of the House entitled "an act to amend the law concerning assault and battery,"

Was taken up and read a second time, and ordered engrossed for a third reading on Monday next.

The Senate's memorial to the Congress of the United States, in relation to the seminary lands,"

Was taken up and read a second time,

And, on motion of Mr. Floyd, the memorial was referred to the committee on education.

The bill entitled "an act to repeal the 6th section of the 44th chapter of the revised statutes,"

Was taken up and read,

And, on motion of Mr. Mayers, was committed to the committee on the judiciary.

The bill of the House making appropriations for common schools,"

Was taken up and read a second time,

And on motion of Mr. Duval, was referred to the committee on education.

The bill entitled "an act declaring Fourche Lefevre a navigable stream,"

Was taken up and read,

And, on motion of Mr. Greenwood, was ordered engrossed for the third reading on Monday next.

The bill entitled "an act to call in the scrip of Green county,"

Was taken up, and read a second time, and was ordered engrossed for Tuesday next.

The bill of the House entitled "an act to define the northern boundary line of Newton county,"

Was taken up and read a second time,

And, on motion of Mr. Floyd, was referred to the committee on counties and county lines.

The bill of the House entitled "an act for the relief of Reuben Persell,"

Was taken up and read a second time,

And, on motion of Mr. McCoy, was committed to a committee consisting of Messrs. McCoy, Greenwood and Berry.

The bill of the House entitled "an act supplementary to an act for the better organization of the militia,"

Was read a second time,

And, on motion of Mr. Greenwood, was committed to the committee on militia."

On motion of Mr. Olive, the House adjourned

SATURDAY MORNING, 9 o'clock, November 30th, 1844.

The House met pursuant to adjournment.

The Rev. Cephas Washburn officiated as chaplain.

On motion of Mr Sanders, leave of absence was granted to Mr Birney.

Petitions from counties were in order.

Mr. Hightower presented a petition from sundry citizens of Lafayette county, asking the Legislature to pass a law protecting their interest and property against forcible entry of hundreds and thousands of hogs driven in upon their territory,

Which was read and referred to a committee, consisting of Messrs. Hightower, Bankhead and Booker.

Mr. Greenwood, on leave, reported that the standing committee on enrolments, had examined the bill entitled "an act to establish the county of Polk," and had instructed him to report the same correctly enrolled.

Mr. Fowler, from the committee on the judiciary, on leave, reported the bill entitled "an act concerning limitations," with an amendment,

Which was adopted.

The Governor's message containing the report of the commissioner of public buildings,

Was taken up and read,

And, on motion of r. Greenwood, was referred to the standing committee on public buildings.

On motion of Mr. Fowler, leave of absence was granted to Mr. Olive, on account of indisposition.

Pursuant to notice, Mr. Sanders introduced a bill entitled "an act relating to the taxation of property."

On leave, Mr. Bertrand introduced a bill entitled "an act for the relief of James Lawson, jr., late sheriff of Pulaski county,"

Which was read a first time,

And on motion of Mr. Bertrand, the rules were suspended, and the bill read a second time, and was committed to a select committee of three, consisting of Messrs Bertrand, Fowler and Dorriss."

Mr. Blackwell gave notice, that he would ask leave on Monday next, to introduce a bill entitled "an act to appropriate a certain amount of internal improvement fund."

And also, "an act making an appropriation to pay the electors for President and Vice President."

Mr. Strain, pursuant to notice, introduced a bill entitled "an act relative to imprisonment in civil cases,"

Which was read a first time.

Pursuant to notice, Mr. Dorris introduced a bill entitled an act to authorize Absalom Fowler, guardian of Frances E. Desha, to turn over her estate to her guardian in Kentucky,

Which was read a first time,

And on motion of Mr. Dorriss, the rules were suspended, and the bill read a second time.

Mr. Simmons, pursuant to notice, introduced a bill entitled "an act to define the duties of witnesses, and for other purposes,"

Which was read a first time,

And, on motion of Mr. Simmons, the rules were suspended, and the bill read a second time, and was committed to the committee on the judiciary.

Mr. Fowler offered :

Resolved, That the committee on banks be instructed to report a bill, providing that on sale of property under execution at the suit of the State bank, when it may be necessary to save or secure the amount, or any part thereof, such sales may be made on a credit, the purchaser giving bond with approved security for the amount,

Which was read and adopted.

Mr. Trapnall gave notice, that he would, on Monday next, ask leave to introduce a bill to exempt the Mount Holly cemetery from taxation.

Mr. Greenwood, from the standing committee on enrollement, on leave reported correctly enrolled, "an act to incorporate the Far West Seminary."

Mr. Fowler offered :

Resolved, That the committee on banks be respectfully hastened in the performance of their duties."

Which was read and adopted.

On motion of Mr. Floyd, the business on the Speaker's table was taken up.

The bill of the House entitled "an act to call in the scrip of Washington county," was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act to amend an act to prohibit emigration and settlement of free negroes and free persons of color in this State, approved 20th January, 1843," was taken up and read a

third time and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act to incorporate the Spring Hill Female academy," was read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act to amend the law, concerning the lien of mechanics," was read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act concerning estrays," was taken up.

And on motion of Mr. Greenwood, was re-committed to a select committee, consisting of Messrs. Greenwood, Olive and Gray.

The resolution instructing the Senators in Congress, and requesting the Representative in Congress to use their influence in having the mail route from Little Rock, to Fulton, on Red river, carried in four horse coaches tri weekly, was read a second time and passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act to authorize a geological examination of the State of Arkansas," was taken up and read a third time.

Mr. Mayers moved to lay the bill on the table.

Mr. Greenwood called for the ayes and nays, and they were ordered.

The members voting in the affirmative, are

Messrs. Alston, Bertrand, Burke, Cross, Dorris, Duval, Fowler, Foster, Garner, Mayers, Miller, Mitchell, Owens, Physick, Strain, Sumner, Sutton, Trapnall, Ward—20.

The members voting in the negative, are

Messrs. Bankhead, Bateman, Blakemore, Berry, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dawdy, Floyd, Franks, Greenwood, Gray, Hubbard, Hall, Hodges, Hays, Logan, Lambert, Marshall, McCoy, Olive, Parks, Riggs, Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Stubblefield, Tackett, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—48.

The resolution of the House, proposing an amendment to the sixth article, section seven of the constitution of the State of Arkansas, was taken up and read a second time, and referred to the committee on the judiciary.

The bill of the House entitled "an act prescribing the time of holding the circuit courts in the 7th judicial circuit,"

Was taken up and read.

On motion of Mr. Scott, was committed to a committee of seven, consisting of Messrs. Scott, Parks, Simmons, Logan, Floyd, Steele and Mayers.

The bill entitled "an act compensating the ministering clergy, who open the sessions of the House by prayer," was read a second time, and ordered engrossed for Monday next.

The bill changing the mode of assessing and collecting taxes, and for other purposes, was taken up and read a second time, and

On motion of Mr. Bertrand, was referred to the committee on the judiciary.

The resolution of the House establishing the post route from Marion in Crittenden county, to Helena in Phillips county, was taken up and read a second time.

The bill to be entitled "an act to amend the laws for taking up estrays, was taken up and read a second time, and committed to a select committee, consisting of Messrs Greenwood, Olive and Gray.

The bill of the House to be entitled "an act to incorporate the Little Rock bridge company," was read a second time, and was ordered engrossed for Monday.

The resolution establishing a mail route from Lewisburg, in Conway county, to Strong's, in St. Francis county, through Searcy, in White county, was taken up and read a second time.

The memorial to the United States Congress, asking a mail route from Washington, in Hempstead, county, through Spring Hill and other places, to Natchitoches, in Louisiana, was taken up and read a second time.

The bill from the House entitled "an act to amend the 80th section of the fourth chapter of the revised statutes," was taken up and read.

And on motion of Mr. Floyd, was committed to the committee on the judiciary.

The bill of the House entitled "an act for the relief of James M. Halbert, sheriff of St Francis county," was read a second time, and ordered engrossed for Monday.

The bill entitled "an act to repeal the 39th section of the 4th chapter of the revised statutes," was taken up and read a second time,

And, on motion of Mr. Fowler, laid on the table indefinitely.

The bill of the House, entitled "an act for the relief of sheriffs and coroners," was taken up and read a second time, and on motion of Mr. Berry, was committed to a committee of three, consisting of Messrs. Berry, Sumner and Collins.

Resolution of the Senate, relating to the expediency of a national bank, &c., was taken up and read a second time, when Mr. Scott amended,

And, on motion of Mr. Greenwood, the resolution as amended, was ordered engrossed for Monday morning.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act for the relief of Milton Sanders, late sheriff of White county."

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House entitled "an act to change the name of Elijah Smith Parrott, to that of William Elijah Smith Parrott." Which is herewith returned.

The message from the Governor, signifying the executive approval and signature to the bill of the House entitled "an act to pay the special judges of the State."

And also, "an act for the relief of Charles Sneed of Carroll county."

The bill of the Senate to repeal the law authorizing a geological survey and examination of the State, was taken up and read the second time.

When on motion of Mr. Sutton, the bill was referred to the committee on internal improvement.

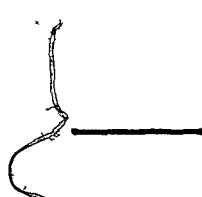
The resolution proposing to amend the constitution in relation to the ratio of representation, was taken up and read a second time, and

On motion of Mr. Bertrand, was committed to the committee on the judiciary.

The message from the Governor, by his private secretary signifying the executive's approval and signature to the bill establishing the county of Polk.

Also, "an act to incorporate the Far West Seminary."

On motion of Mr. Wilson of Washington, the House adjourned.



MONDAY MORNING, 9 o'clock, *December 2d*, 1844.

The House met pursuant to adjournment.

The Rev. Mr. Young officiated as chaplain.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

None were offered.

Reports from select committees were in order.

Mr. Dorriss, from the select committee, to whom was referred the bill to authorize Absalom Fowler, guardian of Frances E. Desha, to transfer her property to her guardian in the State of Kentucky, on leave, reported the same back to the House without amendment.

Mr. Collins offered :

Resolved, That three hundred copies of the auditor's report be printed for the use of this House.

Which was adopted.

Mr. Bertrand offered :

Resolved, That the standing committee on banks are authorized, and shall have power to send for persons and papers, and shall examine all persons under oath.

Which was adopted.

Mr. Bankhead pursuant to notice, introduced a bill to be entitled "an act making an appropriation to pay the electors for President and Vice President," was read a first time, and

On motion of Mr. Blackwell, the rules were dispensed with, and the bill read a second time and committed to the committee on claims.

Pursuant to notice, Mr. Franks introduced a bill entitled "an act to

repeal certain portions of the 4th chapter of the revised statutes of this State, under the head of administration, and for other purposes."

Which was read a first time.

Pursuant to notice, Mr. Blackwell introduced a bill entitled "an act making appropriation for the completion of the military road leading from Memphis, Tennessee, to Little Rock, in Arkansas," was taken up and read a first time, and

On motion of Mr. Olive, the bill was rejected.

On leave, Mr. Mayers from the committee to whom was referred the remonstrance of the Hon. A. H. Sevier, with the resolution of Mr. Rust, raising the said committee, reported the result of the said committee's deliberations upon the subject of said petitioners complaint.

On motion of Mr. Sutton, 100 copies of the report and the accompanying documents, were ordered printed, and was made the order of the day for Monday next.

Mr. Bertrand gave notice, that on to-morrow, he would ask leave to introduce a bill to be entitled "an act to provide for the payment of a portion of the interest due on the State bonds."

Mr. Duval gave notice, that on to morrow, he would ask leave to introduce a bill to incorporate the town of Van Buren.

Mr. Mayers, on leave, introduced a bill entitled "an act to establish a medical society, and for other purposes," was read a first time.

And on motion of Mr. Mayers, the rules of the House were suspended, and the bill was read a second time.

Mr. Floyd moved to lay the bill on the table til the first of July, 1878.

Mr. Hubbard called for the ayes and nays, and they were ordered.

The members voting in the affirmative, are

Messrs. Alston, Bateman, Blakemore, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Cross, Cook, Collins, Clark of Independence, Clark, of Carroll, Duval, Floyd, Franks, Garner, Gray, Hubbard, Hammond, Hall, Hays, Logan, Marshall, Mitchell, Olive, Parks, Riggs, Russell, Sanders, Simmons, Simpson, Shipp, Smith, Steele, Stubblefield, Sumner, Sutton, Tackett, Ward, Wells, Wilson of Johnson—42.

The members voting in the negative. are

Messrs. Bertrand, Bankhead, Burke, Booker, Brown of Sevier, Cromwell, Croft, Culver, Clark of Green, Dorris, Dawdy, Fowler, Foster, Hightower, Lambert, Mayers, McCoy, Miller, Physick, Scott, Strain, Trapnall, Wilson of Washington, Mr. Speaker—24.

So the bill was laid on the table.

Mr. Greenwood, on leave, reported as correctly enrolled, 'an act for the relief of James Jackson, coroner of Benton county.'

Pursuant to notice, Mr. Trapnall introduced a bill to exempt Mount Holly cemetery from taxation.

Which was read a first time.

On motion of Mr. Croft, leave of absence was granted to Mr. Hughes, on account of Indisposition.

On motion of Mr. Blackwell, the business on the Speaker's table was taken up.

The bill of the House entitled "an act to authorize Absalom Fowler, guardian of Frances E. Desha, to turn over the property of said ward to her guardian in the State of Kentucky," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act for the relief of William Arnett, sheriff and collector of Hempstead county," was taken up, and read a third time, and passed, and was sent to the Senate for their assent.

The bill of the House declaring Fourche Lefevre a navigable stream, was taken up and read a third time, and passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act changing the time of holding the general elections in this State," was taken up and read and passed, and sent to the Senate for their assent.

The bill entitled "an act compensating the ministering clergy who open the sessions of this House by prayer," was taken up and read a third time, and put upon its passage.

Mr. Russell called for the ayes and nays, and they were ordered.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Booker, Brown of Sevier, Cook, Collins, Dorris, Fowler, Foster, Franks, Gray, Hall, Lambert, Mayers, Scott, Simmons, Smith, Strain, Sutton, Trapnall, Ward, Mr. Speaker—23

The members voting in the negative are,

Messrs. Alston, Bateman, Billingsly Blackwell, Birney, Cross, Cromwell, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Floyd, Greenwood, Hubbard, Hammond, Hays, Logan, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Russell, Sanders, Simpson, Shipp, Steele, Stubblefield, Sumner, Tackett, Wells, Wilson of Johnson, Wilson of Washington—42.

So the bill was lost.

The bill of the House entitled "an act for the relief of James M. Halbert," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The memorial to Congress concerning the establishment of a mail route from Lewisburg to Strong's, was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

The memorial to Congress, asking a mail route through Spring Hill to Natchitoches in Louisiana, was taken up and read a third time and passed, and transmitted to the Senate for their assent.

The bill of the House entitled "an act concerning limitations, was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

Resolution of the Senate to adjourn on the 10th of next month,

was called up and read, and Mr. Blackwell would amend by inserting the 15th of December.

Mr. Mayers moved to lay amendment and original on the table.

Mr. Blackwell called for the ayes and nays, and they were ordered.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bankhead, Blakemore, Berry, Billingsly, Booker, Birney, Brown of Sevier, Cross, Cook, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Gray, Hubbard, Hammond, Logan, Lambert, Mayers, McCoy, Owens, Physick, Riggs, Sanders, Simpson, Shipp, Smith, Steele, Strain, Sumner, Sutton, Trapnall, Wells, Wilson of Washington, Mr. Speaker—45.

The members voting in the negative are,

Messrs. Bateman, Burke, Blackwell, Brown of Johnson, Cromwell, Collins, Fowler, Hightower, Hall, Hays, Marshall, Miller, Mitchell, Olive, Parks, Russell, Scott, Simmons, Stubblefield, Tackett, Ward, Wilson of Johnson—22.

So the resolution was laid on the table.

On motion of Mr. Fowler, the rules were suspended, and Mr. Olive gave notice that on to-morrow he would on leave, introduce a bill for the sinking of a well on the salt land of the State, in Van Buren county.

On motion of Mr. Clark of Carroll, the House adjourned.

TUESDAY MORNING, 9 o'clock, *Dec. 3d*, 1844.

The House met pursuant to adjournment.

The Rev. W. W. Stevenson prayed.

A message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act to repeal the 143d chapter of the revised statutes, under the head of special judges :

Also, an act authorizing the administrator of Benjamin Patton, dec'd, to sell the real estate of said deceased :

Also, an act for the protection of levees constructed along the banks of rivers, and other water courses in this State :

And also, a preamble and resolution instructing our Senators in Congress and requesting our Representative, to urge the passsge of a law, providing that where the 16th section, or any part thereof, is not first or second rate land, that the trustees of the township shall have power to select other lands in lieu thereof.

Which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House of Representatives entitled "an act to incorporate the Spring Hill female academy."

Also, an act to provide more effectually against the crime of adultery, and for other purposes.

Which are herewith returned.

Petitions from counties were in order.

Mr. Floyd presented a petition from Luke E. Barber, clerk of the supreme court of the State of Arkansas, praying for an increased allowance in his fees as such clerk.

Which was read, and on motion of Mr. Floyd, referred to the committee on the judiciary.

Mr. Lambert presented a petition from sundry citizens of Monroe county, remonstrating against the division of part of that county, in order to form a new county.

Which was read and referred to a committee, consisting of Messrs. Lambert, Cook, Fowler and Cross.

Mr. Simmons of Conway, presented a petition from sundry citizens of Conway, Pulaski and Van Buren counties, being the third of a series of petitions upon the same subject.

Was taken up and read, and referred to a committee consisting of Messrs Simmons, Fowler, Olive and Cook.

Mr. Strain, from the committee on education, on leave, reported back to the House two resolutions, one from the Senate and one from the House of Representatives, concerning the 72 sections of seminary lands, recommending the resolution from the House of Representatives, in preference to the Senate's resolution.

And on motion of Mr. Strain, the report was adopted.

Mr. Sutton, from the committee on claims, to whom was referred the bill making appropriation to pay the electors of this State for President and Vice President of the United States, on leave, reported the same back to the House without amendment.

Which was adopted.

Mr. Floyd, from the select committee to whom was referred the bill entitled "an act prescribing the time of holding the circuit courts in the 7th judicial circuit," on leave, reported in favor of the passage of the bill.

Mr. Parks, from the minority of the committee on the same bill, on leave, reported against the bill, offering at the same time a substitute.

Mr. Mayers moved the adoption of the majority report.

Mr. Parks called for the ayes and nays, and they were ordered.

The members voting for the majority report are,

Messrs. Bateman, Burke, Billingsly, Booker, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Croft, Clark of Independence, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hightower, Hodges, Hays, Logan, Lambert, Mayers, McCoy, Miller, Mitchell, Olive, Physick, Riggs, Rust, Simmons, Shipp, Steele, Strain, Sumner, Sutton, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—45.

The members voting in the negative are,
Messrs. Alston, Bertrand, Bankhead, Blakemore, Berry, Blackwell, Birney, Culver, Clark of Carroll, Clark of Green, Fowler, Hammond, Hall, Marshall, Parks, Russell, Sanders, Scott, Simpson, Smith, Stubblefield, Mr. Speaker—21.

So the majority report was adopted.

Mr. Berry from the committee to whom was referred the bill entitled "an act for the relief of sheriffs, coroners, &c.," on leave, reported the same back to the House without amendment, recommending its passage.

Mr. Bertrand, from the committee to whom was referred the bill entitled "an act for the relief of James Lawson, jr.," on leave, reported the same back to the House with an amendment.

Which amendment was adopted, and the bill ordered engrossed for to-morrow.

Mr. Greenwood, from the committee to whom was referred the bill of the Senate, and also the bill of the House, entitled "an act concerning estrays," on leave, reported by substitute.

Which was adopted, and read a first time.

Pursuant to notice, Mr. Bertrand introduced a bill entitled "an act to provide for the payment of a portion of the interest due upon the State bonds."

Which was read a first time, and on motion of Mr. Duval, the rules were suspended, and the bill read a second time.

Mr. Duval moved to lay the bill on the table indefinitely.

Mr. Bertrand called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hightower, Hall, Hodges, Hays, Logan, Lambert, Mayers, Marshall, McCoy, Mitchell, Olive, Parks, Riggs, Rust, Sanders, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Washington, Wilson of Johnson, Mr Speaker—56.

The members voting in the negative, are

Messrs. Bertrand, Burke, Cook, Doerris, Fowler, Miller, Owens, Physick, Russell, Scott, Simmons, Trapnall—12.

So the bill was laid on the table indefinitely.

Mr. Floyd, pursuant to notice, introduced a bill entitled "an act to regulate and define the law of amendments in pleading and practice at law." Which was read a first time.

Mr. Greenwood offered the following:

Resolved, That this General Assembly proceed to elect a secretary of State on Wednesday next, at eleven o'clock, A. M., and that the Senate be requested to concur herein.

Was read and laid on the table for one day.

Mr. Bertrand offered,

Whereas, The bill to pay the clergy has been defeated, although their attendance was requested by a vote of the House, taken by ayes and nays; therefore,

Be it resolved, That the resolution inviting the clergy of the city of Little Rock, to open this House with prayer, be and the same is hereby rescinded.

Mr. Fowler called for the ayes and nays.

The members of the House voting in the affirmative are,

Messrs. Alston, Bertrand, Bateman, Blackwell, Booker, Brown of Johnson, Brown of Sevier, Cross, Cook, Clark of Independence, Clark of Carroll, Dorris, Duval, Floyd, Foster, Greenwood, Hubbard, Hammond, Hodges, Hays, Logan, Mayers, Marshall, McCoy, Olive, Owens, Parks, Physick, Riggs, Rust, Russell, Scott, Simmons, Simpson, Shipp, Steele, Stubblefield, Sumner, Tackett, Mr. Speaker—40.

The members voting in the negative are,

Messrs. Bankhead, Blakemore, Burke, Berry, Billingsly, Birney, Cromwell, Croft, Culver, Dawdy, Fowler, Franks, Garner, Gray, Hightower, Hall, Lambert, Miller, Mitchell, Sanders, Smith, Strain, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—28. So the resolution passed.

Mr. Mayers offered,

Resolved, That the 19th rule of this House be and the same is hereby so amended, that no motion for adjournment shall be in order until 2 o'clock, P. M.

Was read and laid on the table till to-morrow.

Mr. Bertrand moved to refer to the standing committee on banks, so much of the Governor's message as recommends the reduction of calls now made upon the debtors of the State banks, and also that part of the Governor's message, that recommends the immediate receipt of the State bonds in payment of debts due the bank.

Which was adopted.

Mr. Ward introduced a memorial to the United States Senate, respecting the French, Spanish and Bowie land claims.

Was read a first time.

Pursuant to notice, Mr. Olive introduced a bill entitled "an act to sink a salt well on the salt lands on the bank of the Little Red river, in Van Buren county."

Which was read a first time.

When on motion of Mr. Trapnall, the rules were suspended, and the bill read a second time, and was referred to the committee on internal improvements.

Mr. Hall offered,

Resolved, That from and after the tenth day of this month, no new bills shall be introduced into this House.

Which was read a first time and laid on the table.

Mr. Floyd, pursuant to notice, introduced a bill entitled an act for the relief of Samuel M. Hays, sheriff and collector of Pope county."

Which was read a first time.

On motion of Mr. Dorris, leave of absence was granted to Mr. Collins till Monday next.

Pursuant to notice, Mr. Owens introduced a bill to be entitled an act to repeal the 62d and 63d sections of chapter 60 of the revised statutes of Arkansas."

Which was read a first time, and on motion of Mr. Owens, the rules were suspended, and the bill read a second time, and referred to the committee on the judiciary.

Pursuant to notice, Mr. Foster introduced a bill to incorporate the town of Camden in Ouachita county.

Which was read a first time, and on motion of Mr. Trapnall, the rules were suspended, and the bill read a second time, and was committed to a select committee consisting of Messrs. Foster, Trapnall and Rust.

On leave, Mr. Hays introduced a bill entitled an act to amend the 1st section of 106th chapter of the revised statutes.

Which was read a first time.

On motion of Mr. Mayers, Mr. Foster was added to the committee on education.

Mr. Greenwood, from the committee on enrolments, on leave, reported correctly enrolled, an act changing the name of Elijah Smith Parrott.

On motion of Mr. Wilson of Johnson, the business on the table was taken up.

The bill of the House entitled "an act concerning assault and battery," was taken up and read a third time.

When Mr. Blackwell amended in the first section by inserting one dollar in place of five, being the minimum for which one should be fined on conviction for assault and battery.

When the bill was passed and transmitted to the Senate for their assent.

The resolution of the Senate, as amended by the House, remonstrating against the establishment of a national bank, instructing our Senators and requesting our Representative to use their exertions to prevent the establishment of a national bank in any form whatever, was taken up and read a third time.

When Mr. Fowler would amend by striking out the whole series of resolutions after the word resolved, and insert a series of resolutions instructing our Senators in Congress and requesting our Representative to lend their aid in having a national banking institution established.

All of which will be found in the appendix of the printed journals.

Mr. Floyd moved to lay the amendment on the table indefinitely.

Mr. Fowler called for the yeas and nays.

The members voting in the affirmative, are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Cross, Cromwell, Croft, Culver, Clark of Independence, Clark of Green, Duval, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hightower, Hall, Hodges, Hays, Logan, Lambert, May-

ers, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Rust, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—57.

The members voting in the negative, are,

Messrs. Bertrand, Burke, Brown of Sevier, Cook, Dorris, Dawdy, Fowler, Owens, Physick, Trapnall, Ward—11.

So the amendment was laid on the table indefinitely.

On leave, Mr. Dawdy changed his vote from negative to affirmative.

The question now recurred to the adoption of the original resolution.

Mr. Croft of Green called for the yeas and nays.

The members voting in the affirmative, are, Messrs. Alston, Bankhead, Bateman, Blakemore, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Cross, Cromwell, Croft, Clark of Independence, Clark of Green, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hightower, Hall, Hodges, Hays, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Rust, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—56.

The members voting in the negative, are,

Messrs. Bertrand, Burke, Brown of Sevier, Cook, Fowler, Lambert, Owens, Physick, Trapnall, Ward—10.

So the resolution was passed.

The bill entitled an act to call in the scrip of Green county, was taken up and read and passed, and sent to the Senate for their assent.

The bill for the benefit of Redding Busby, was taken up and read a third time and passed, and was sent to the Senate for their assent.

On motion of Mr. Mayers, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, Dec. 4th, 1844.

The House met pursuant to adjournment.

A message from the Senate by secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act authorizing Miller Irvin, as administrator of the estates of John J. Powell, Nicholas Rightor, Arnold Fisher, William S. Woods, and Benaniel S. Bower, to sell and dispose of the real estate which belongs to said estates.

Also an act declaring Little Red river a navigable stream.

Also, an act granting to the widow of Gilbert Barden certain property.

All of which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House of Representatives entitled an act to authorize Absalom Fowler, guardian of Frances E. Desha, to turn over her estate to her guardian in Kentucky.

Also, an act for the relief of James M. Halbert, sheriff and collector of St Francis county.

And also, an act to reduce the rate of interest, and to prevent citizens of this State from involving themselves in debt, with two amendments.

All of which are herewith returned.

The Senate have also adopted a resolution to go into the election of an elector of President and Vice President of the United States, to-day, at 2 o'clock, P. M., to fill the vacancy occasioned by the resignation of the Hon. Chester Ashley, and any other vacancy or vacancies that may happen in said office of elector, on to-day.

And the concurrence of the House of Representatives is respectfully asked thereto.

Petitions from counties were in order.

Mr. Parks presented a petition from Richard McAllister, of Perry county, praying that he may be attached to Yell county, he having no connection or association with the people of Perry county, other than his public business.

Which was read, and referred to the committee on counties and county lines.

Mr. Wilson of Washington presented a petition from sundry citizens of Fayetteville, asking this legislature to exempt the citizens of said city from working upon the county roads.

Which was read, and referred to a select committee, consisting of Messrs. Wilson of Washington, Marshall, and McCoy.

Reports from standing committees were in order.

None were offered.

Reports from select committees were in order.

Mr. McCoy, from the select committee to whom was referred the bill for the relief of Reuben Persell, on leave, reported the bill back with amendments.

Which were adopted.

Mr. Croft, from the committee on counties and county lines, on leave, reported back to the House the bill entitled an act to define the northern boundary line of Newton county inexpedient.

Which was adopted.

Mr. Duval, from the select committee to whom was referred the bill entitled an act to regulate the sales of the 500,000 acres of land, and for other purposes, on leave, reported the same with an amendment.

Which was adopted.

Mr. Bankhead, from the committee to whom was referred the petition of sundry and highly respectable citizens of the county of Lafayette, asking a law to prohibit hogs from being driven upon their range to their great detriment, and to prevent bloodshed, on leave, re-

ported, that, in the opinion of the committee, the petition from Lafayette county does not come within the scope of legislative action; and that although bloodshed may be the fearful result, still it will probably be only that flowing from the butchered hogs and stock, after having been fattened on the rich and abundant range of Lafayette county.

When Mr. Hightower of Lafayette, on leave, offered the following as a minority report on the same subject:

The select committee to whom was referred the memorial from Lafayette, (calling for relief against the usurpations of citizens of Hempstead and Sevier counties, in driving upon their acorns 'lots' of hogs, and whole litters of pigs,) differing as to the propriety of granting the relief prayed for, are divided in three equal parties, and can arrive at no harmonious conclusion.

I therefore beg leave to offer the following report:

That the two other gentlemen upon the said committee are partial in the conclusion at which they arrived, is beyond doubt. Their constituents are the trespassers; they have raised no corn, and their lands being too sterile to produce acorns, and 'fat' and bacon being the 'staple' of their respective counties, and having not the means of its production, they therefore 'prowl' upon my constituents, and rob them of their acorns, which loudly calls for relief.

HIGHTOWER.

When, on motion Mr. Fowler, both reports and petition were laid on the table until next session of the legislature in 1846.

Mr. Trapnall, from the special committee on the bill of the House entitled an act to incorporate the town of Camden, in the county of Ouachita, on leave, reported the bill back to the House without amendment, and recommend its passage.

The resolution of the Senate appointing this day at 2 o'clock, to go into the election of elector of this State, for President and Vice President of the United States, in place of the Hon. Chester Ashley, who is absent, was now taken up, read and adopted, and the Senate informed thereof by message.

The resolution of the House appointing this day at 11 o'clock to go into the election of secretary of State for the State of Arkansas, was taken up and read; and

Mr. Rust amended by inserting 2 o'clock in lieu of 11.

When the resolution as amended was adopted.

The resolution of the House, of yesterday, amendatory of the 19th rule of the House, was taken up and read.

Mr. Bertrand moved to lay the resolution on the table.

Mr. Mayers called for the yeas and nays.

The members voting in the affirmative, are,

Messrs. Bertrand, Blakemore, Billingsly, Booker, Cross, Cook, Clark of Carroll, Dorris, Duval, Dawdy, Fowler, Foster, Greenwood, Gray, Hubbard, Hightower, Hodges, Hughes, Lambert, Miller, Owens, Physick, Riggs, Robertson, Steele, Strain, Sumner, Ward, Wells—29.

The members voting in the negative, are,

Messrs. Alston, Bankhead, Bateman, Burke, Berry, Blackwell, Birney, Brown of Johnson, Brown, Sevier, Cromwell, Croft, Culver, Clark

of Independence, Clark of Green, Franks, Garner, Hammond, Hall, Hays, Logan, Mayers, Marshall, McCoy, Mitchell, Olive, Parks, Rust, Russell, Sanders, Scott, Simmons, Shipp, Smith, Stubblefield, Sutton, Trapnall, Wilson of Johnson, Wilson of Washington, Mr. Speaker—43.

So the resolution was not laid on the table.

Mr. Sutton would amend by inserting one o'clock in lieu of two o'clock.

Which was adopted.

When Mr. Bertrand would amend by striking out one o'clock and insert three o'clock, and called for the yeas and nays on the adoption of his amendment.

The members voting in the affirmative, are,

Messrs. Bertrand, Bateman, Cromwell, Cook, Croft, Clark of Independence, Dawdy, Floyd, Fowler, Franks, Greenwood, Gray, Hall, Hays, Logan, Lambert, Marshall, Miller, Mitchell, Owens, Parks, Physick, Russell, Robertson, Sanders, Simmons, Strain, Stubblefield, Sutton, Tackett, Ward, Wilson of Washington, Mr. Speaker—33.

The members voting in the negative, are,

Messrs. Alston, Bankhead, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Culver, Clark of Carroll, Clark of Green, Dorris, Duval, Foster, Garner, Hubbard, Hammond, Hightower, Hughes, Mayers, McCoy, Olive, Riggs, Rust, Scott, Simpson, Shipp, Smith, Steele, Sumner, Trapnall, Wells, Wilson of Johnson—37.

So the amendment was lost.

Mr. Mayers called for the previous question.

When the main question was put, and the resolution was adopted.

On motion of Mr. Clark of Independence, the business on the Speaker's table was taken up.

The bill for the relief of James Lawson, jr., late sheriff and collector of Pulaski county, was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House of Representatives to go into the election of secretary of State, this day at 2 o'clock, P. M.

The amendment of the constitution was taken up and read a 3d time.

Mr. Brown of Sevier offered an amendment. Which was lost

The yeas and nays were called, and the members voting for the amendment, are

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Floyd, Fowler, Foster, Franks, Greenwood, Gray, Hubbard, Hammond, Hightower, Hall, Hodges, Hays, Hughes, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust,

Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—66.

Mr. Croft voted in the negative.

So the amendment was adopted in the House of Representatives and sent to the Senate for their concurrence.

The bill of the House entitled an act to incorporate the Little Rock bridge company, was taken up and read a third time.

When Mr. Rust amended by inserting a separate section.

Which was adopted.

Mr. Floyd amended by adding a separate section.

Which was adopted.

On motion of Mr. Bertrand, the bill was committed to a select committee, consisting of Messrs. Bertrand, Rust, Floyd, Strain and Fowler.

The bill of the House entitled an act to make appropriations to pay the electors of the State of Arkansas for President and Vice President of the United States, was taken up and read a third time.

On motion of Mr. Greenwood, was committed to committee, consisting of Messrs. Greenwood, Mayers and Booker.

The bill of the House entitled an act concerning estrays, was taken up and read.

When, on motion of Mr. Fowler, it was referred to the committee on education, with instructions to give the proceeds arising from the valuation of estrays to the common school fund, and to lessen the proportion of the amount to be paid.

Memorial to Congress in relation to the 72 sections of seminary land, was taken up and read a third time and passed, and transmitted to the Senate for their assent.

The bill of the House entitled an act prescribing the time of holding circuit courts in the 7th judicial circuit, was read a third time and passed.

On motion of Mr. Rust, the House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met pursuant to adjournment.

The Senate now appeared in the hall of Representatives, and were seated within the bar of the House, for the purpose of electing an elector of President and Vice President of the United States.

Mr. Speaker announced that nominations were in order.

Mr. Mayers of Crawford nominated E. L. Johnson.

Mr. McCoy of Jackson nominated Solon Borland.

The members of the House voting for Mr. Johnson, are,

Messrs. Bateman, Burke, Booker, Brown of Sevier, Cook, Dorriss, Duval, Dawdy, Foster, Franks, Greenwood, Garner, Hodges, Hughes, Lambert, Mayers, Mitchell, Olive, Physick, Rust, Robertson, Trapnall, Ward—23.

The members in the Senate, 6. Making an aggregate vote, 29.

The members of the House voting for Solon Borland, are,

Messrs. Bankhead, Blakemore, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Cromwell, Clark of Independence, Clark of Carroll, Clark of Green, Floyd, Gray, Hubbard, Hammond, Hightower, Hall, Hays, Logan, Marshall, McCoy, Miller, Parks, Riggs, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—40.

The members of the Senate, 16. Making an aggregate vote of 56.

When Mr. Speaker proclaimed that Solon Borland had received a majority of all the votes, and was elected elector of the State of Arkansas.

There were four scattering votes.

Mr. Alston voted for John H. Miller.

Mr. Bertrand voted for Lewis Evans.

Mr. Fowler voted for Lewis Evans.

Mr. Owens voted for Mr. Harris.

The Speaker now announced that nominations were in order for secretary of State.

Mr. Neely of the Senate nominated David B. Greer.

No further nominations were made; when the roll was called, and David B. Greer received the unanimous vote of both Houses.

When Mr. Speaker proclaimed that David B. Greer was duly elected secretary of State for the term prescribed by law.

The Senate now retired.

On motion of Mr. McCoy, the House adjourned.

THURSDAY MORNING, 9 o'clock, 5th December, 1844.

The House met pursuant to adjournment.

Petition from counties were in order.

Mr. Mayers presented a petition from sundry citizens of Upper township, in Crawford county, praying that the Legislature of Arkansas should call upon the general government to purchase the sixteenth section of said township, which is now occupied by the United States' troops as a garrison, was read, and

On motion of Mr. Mayers, was committed to a select committee, consisting of Messrs. Mayers, Trapnall and McCoy.

Mr. Simmons of Conway, presented a petition from sundry citizens of Van Buren county, praying that they may be added to the county about to be erected from Pulaski, which was read and referred to a select committee consisting of Messrs. Simmons, Olive, Fowler and Cook.

Reports from standing committees were in order.

Mr. Greenwood, from the standing committee on enrolments, on leave, reported correctly enrolled, "an act to incorporate Spring Hill female academy."

Mr. Croft, from the committee on counties and county lines, on leave, reported pursuant to resolution of House, instructing said committee to furnish to this House the number of square miles contained in each county in this State, the following list of counties, the date of their erection, number of square miles, excess or deficiency in constitutional territory.

<i>Names of Counties.</i>	<i>Year they were erected.</i>	<i>No. of sqr. miles.</i>	<i>Excess.</i>	<i>Deficiency.</i>
Arkansas,	1843	1,174	274	
Benton,	1836	876		24
Bradley,	1840	2,412	1,512	
Clark,	1818	1,381	481	
Crawford,	1820	997	97	
Conway,	1825	1,183	283	
Crittenden,	1825	954	54	
Chicot,	1828	1,707	807	
Carroll,	1833	1,061	161	
Desha,	1838	900		
Franklin,	1837	806		94
Fulton,	1842	900		
Green,	1833	900		
Hempstead,	1818	1,332	432	
Hot Spring,	1829	873		27
Independence,	1820	1,026	126	
Izard,	1825	880		20
Jefferson,	1829	1,310	410	
Jackson,	1829	900		
Johnson,	1833	896		4
Lawrence,	1815	1,464	504	
Lafayette,	1827	1,672	772	
Monroe,	1829	1,152	252	
Mississippi,	1833	1,152	252	
Madison,	1836	898		2
Montgomery,	1842	1,260	360	
Marion,	1836	732		168
Newton,	1842	738		162
Ouachita,	1842	1,224	324	
Pulaski,	1818	2,061	1,161	
Phillips,	1842	819		81
Pope,	1829	863		37
Pike,	1833	702		198
Perry,	1840	876		24
Poinsett,	1838	1,332	432	
Polk,	1844	1,008	108	
Randolph,	1835	864		36
St. Francis,	1827	1,088	188	
Sevier,	1828	1,271	371	
Scott,	1833	1,224	324	
Searcy,	1838	900		
Saline,	1835	810		90
Union,	1829	1,368	468	
Van Buren,	1833	1,400	500	
Washington,	1828	961	61	
White,	1835	1,004	144	
Yell,	1840	846		54

When on motion of Mr. Duval, the same matter, and part of the report, was referred to a select committee of fifteen, consisting of Messrs. Duval, Dorris, Bertrand, Croft, Hammond, Dawdy, Booker, Simmons, Miller, Hughes, Foster, Owens, Simpson, Parks and Birney.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed “an act concerning guardians and wards.”

Which is herewith transmitted for the assent of the House of Representatives.

The Senate assented to the bill of the House of Representatives, entitled “an act to call in the scrip of Washington county.”

And also, an act to amend the law concerning the lien of mechanics,” which is herewith returned.

The Senate have concurred in the resolution of the House instructing our Senators in Congress, and requesting our Representative, to use their influence with the post master general of the United States, to have the mail carried from Little Rock, to Fulton on Red river, tri-weekly, in four horse coaches.” Which is herewith returned.

The Senate withhold their assent to the bill of the House entitled “an act for the relief of Samuel Adams, late Governor of the State of Arkansas;” but have adopted a substitute therefor, which is herewith transmitted for the assent of the House of Representatives.

The Senate have concurred in the amendment of the House, to the resolution of the Senate, instructing our Senators in Congress, and requesting our Representative, to use every exertion to prevent the establishment of a national bank, under any form whatever.”

Mr. Greenwood, from the select committee, to whom was referred the bill entitled “an act, making appropriation to pay the electors,” on leave, reported the same back to the House with an amendment, Which was adopted.

Mr. Garner, from the committee, who were raised on resolution, with instructions to report by bill if thought expedient, to raise the salary and fees of officers, on leave, reported by bill entitled “an act to amend an act to regulate the fees and salaries of officers, generally, which was read, and

On motion of Mr. Mayers, the rules were dispensed with, and the bill was read a second time, and

On motion of Mr. Trapnall, was committed to the standing committee on the judiciary.”

Pursuant to notice, Mr. Duval introduced a bill to be entitled “an act to incorporate the town of Van Buren,” which was read a first time,

And on motion of Mr. Duval, the rules were dispensed with, and the bill read a second time and referred to a select committee, consisting of Messrs. Duval, Mayers and Greenwood.

Mr. Duval offered the following resolutions:

Resolved by the General Assembly of the State of Arkansas,
That the sacred principles set forth in our Declaration of Independ-

ence have been disgraced, and our constitutional liberty itself has been outraged by the imprisonment of Thomas W. Dorr, of Rhode Island.

Resolved, That our Senators and Representative in Congress, be requested to use all their energy, influence and ability, by remonstrance or appeal, to release Thomas W. Dorr from his cruel and unjust imprisonment.

Resolved, That the Governor of this State be requested to forward a copy of these resolutions to the Governor of Rhode Island, and to our Senators and Representative in Congress, which were read a first time.

Mr. Bateman offered the following :

Resolved, That a committee of five be appointed, whose duty shall be to inquire into the condition of the penitentiary, its management and discipline, the treatment of the convicts, and report to this House at as early a day as practicable. Read and adopted.

Mr. Speaker appointed Messrs. Bateman, Greenwood, Blackwell, Cook and Wilson of Washington.

On leave, Mr. Trapnall introduced a bill entitled "an act to authorize Samuel D. Carrick, to hawk and peddle throughout the State of Arkansas," which was read a first time.

Message from the Governor by his private secretary :

The executive has approved and signed the act changing the name of Elijah Smith Parrott. Also, an act for the relief of James Jackson.

Mr. Logan, on leave, introduced a bill entitled "an act to remove the seat of government."

On motion of Mr. Logan, the rules were suspended, and the bill read a second time.

Mr. Rust moved to lay the bill on the table indefinitely.

Mr. Logan called for the ayes and nays :

The members voting in the affirmative, are

Messrs. Alston, Bertrand, Bateman, Booker, Brown of Sevier, Cross, Cromwell, Cook, Culver, Clark of Independence, Clark of Green, Dorris, Dawdy, Fowler, Foster, Franks, Garner, Gray, Hubbard, Hammond, Hall, Hodges, Lambert, Marshall, McCoy, Miller, Mitchell, Olive, Riggs, Rust, Russell, Robertson, Sanders, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Trapnall, Ward, Wells, Wilson of Washington, Mr. Speaker—49.

The members voting in the negative, are,

Messrs. Blakemore, Billingsly, Croft, Floyd, Greenwood, Hays, Logan, Mayers, McCoy, Parks, Physick, Simmons, Wilson of Johnson,—13

Mr. Clark of Independence, offered the following preamble and resolution :

Whereas, This House is placed in an awkward situation, and its progress in business much retarded from inconvenience under which it labors, for the want of a standing committee on buncomb.

Therefore : *Be it resolved*, That the Speaker of the House of Representatives is hereby authorized and required, to proceed forthwith

to the appointment of a committee of five, whose duty it shall be to take under consideration, all petitions, memorials, resolutions, and bills, that shall be offered for buncomb, for home consumption, of which the House shall be the judge, at the time of reference.

Be it further resolved, That the said committee shall be styled the committee on buncomb, whose duty it shall be to transact all business committed to their charge with despatch and speedily report thereon."

On motion of Mr. Rust, the resolution was amended, confining the committee to one member.

When the resolution as amended was adopted.

Mr. Speaker, agreeably to parliamentary usage, appointed Mr. Clark of Independence, he being the mover.

On motion of Mr. Berry, the orders of the day were taken up.

The bill of the House, entitled an act to reduce the rate of interest and for other purposes, was taken up, and the amendments proposed by the Senate were concurred in, and the bill enrolled.

The bill of the House, for the relief of Reuben Persell, was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

Mr. Croft, called from its first reading, a bill to be entitled an act to elect a school commissioner, and provide for the sale of the 16th section in township 13, range 6, and it was read a second time, and

On motion of Mr. Clark, of Independence, was referred to a committee, consisting of Messrs. Croft, Wilson of Washington, Blackwell and Parks.

On motion of Mr. Culver, the House adjourned.

FRIDAY MORNING, 9 o'clock, 6th December, 1844.

The House met pursuant to adjournment.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act prescribing forms for justices of the peace in criminal cases."

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House entitled "an act declaring Fourche LeFevre river, a navigable stream."

Also, "an act to change the time of holding the general elections of this State."

And also, "an act for the relief of William Arnett, sheriff and collector of Hempstead county."

The Senate have concurred in the resolution of the House instructing our Senators and requesting our Representative in Congress, to use their influence to have a tri-weekly horse mail established, leading from Washington, Hempstead county, through Spring Hill, Hempstead county, Lewisville in Lafayette county and Shreveport in Louisiana, to Natchitoches, in Louisiana."

All of which are herewith returned.

The Senate have passed a resolution instructing our Senators, and requesting our Representative in Congress to use their influence to have branch mails established from Little Rock, through Newell's settlement in Pulaski county, by Kinderhook in Van Buren county, to Rich Woods post office in Izard county.

And also from White Oak post office, by David Royster's, to the lower settlement on White river, in Pulaski county.

Which is herewith transmitted for the concurrence of the House of Representatives.

Petitions from counties were in order.

Mr. Fowler, of Pulaski, presented a petition from sundry citizens of Pulaski and St. Francis counties, remonstrating against the erection of a new county from portions of said counties, which was read, and

On motion of Mr. Fowler, was committed to a select committee, consisting of Messrs. Fowler, Cook, Lambert and Simmons.

Reports from standing committees were in order.

Mr. Greenwood, from the standing committee on enrolments on leave, reported correctly enrolled "an act for the relief of James M. Halbert, sheriff and collector of St. Francis county. Also, "an act to authorize Absalom Fowler, guardian of Frances E. Desha, to turn over her estate to her guardian, in Kentucky."

Reports from select committees were in order.

Mr. Fowler from the select committee to whom was referred the petition of Luther Chase, James Lawson, jr., and others, relative to a portion of the county line between Pulaski and Saline counties, on leave, reported the same by bill, entitled "an act to define a portion of of the line between Pulaski county and Saline and Perry," was read a first time.

Mr. Mayers, on leave, reported, that the committee on the Real Estate bank have progressed in the business for which they were instructed, and that the committee ask for further time on the investigation. Which was granted.

Motions and resolutions were in order.

Mr. Croft in the chair.

Mr. Marshall gave notice, that on to-morrow, he would ask leave to introduce a bill to repeal the 39th section of the 4th chapter of the revised Statutes, and for other purposes.

On motion of Mr. Floyd, the orders of the day were taken up.

The bill of the House, entitled an act to regulate the price and sales of the 500,000 acres, and for other purposes, was taken up and read,

And Mr. Simmons offered to amend, by striking out sections 5, 6, 7, 8 and 9, and inserting others.

Mr. Strain offered to amend the amendment.

Mr. Gray moved to lay the amendment, and the amendment to the amendment on the table.

Mr. Simmons called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bateman, Burke, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Clark of Independence, Clark of Carroll, Dawdy, Floyd, Franks, Greenwood, Garner, Gray, Hubbard, Hodges, Hays, Hughes, Logan, Lambert, Olive, Owens, Parks, Riggs, Rust, Shipp, Smith, Sumner, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Mr. Speaker—40.

The members voting in the negative are,

Messrs. Berry, Billingsly, Cross, Croft, Culver, Clark of Green, Dorris, Duval, Fowler, Hammond, Hall, Mayers, Marshall, McCoy, Miller, Mitchell, Russell, Simmons, Simpson, Steele, Strain, Stubblefield, Wilson of Washington—23.

Mr. Hays called for the previous question.

When the question was put on the final passage of the bill, and Mr. Hays called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bateman, Burke, Berry, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Duval, Dawdy, Floyd, Franks, Greenwood, Garner, Gray, Hubbard, Hall, Hodges, Hays, Hughes, Logan, Lambert, Mayers, McCoy, Miller, Olive, Owens, Parks, Riggs, Rust, Russell, Robertson, Shipp, Smith, Steele, Sumner, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Mr. Speaker—53.

The members voting in the negative are,

Messrs. Blakemore, Billingsly, Fowler, Hammond, Marshall, Mitchell, Simmons, Simpson, Strain, Stubblefield, Wilson of Washington—11.

So the bill passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act to incorporate the town of Camden in Ouachita county," was taken up read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act to amend an act entitled an act to place the bank of the State of Arkansas in liquidation, approved the 3d of January, 1843," was taken up and read a second time, and on motion of Mr. Birney, was referred to the committee on the State bank.

The bill entitled "an act to establish a board of internal improvement," was taken up and read a second time.

Mr. Floyd moved to lay the bill on the table till the 4th of July next, 1845.

Mr. Blackwell called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bateman, Blakemore, Berry, Billingsly, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Croft, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Floyd, Foster, Franks, Greenwood, Gray, Hubbard, Hammond, Hall, Hodges, Hays, Hughes, Logan, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Russell, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Wells, Wilson of Johnson, Wilson of Washington—47.

The members voting in the negative are,

Messrs. Bertrand, Burke, Blackwell, Booker, Cook, Culver, Duval, Dawdy, Fowler, Garner, Lambert, Mayers, Owens, Rust, Robertson, Trapnall, Ward—17.

So the bill was laid on the table till 4th of July next.

The bill of the Senate entitled "an act for the relief of Isaac N. Jackson, sheriff and collector of Sevier county," was taken up and read a first time.

On motion of Mr. Booker, the rules were suspended, and the bill was read a second time, and was referred to a committee consisting of Messrs. Trapnall, Booker and Dawdy.

On motion of Mr. Duval, leave of absence was granted to Mr. Hightower.

The bill of the House entitled "an act for the relief of Presley R. Smith, sheriff and collector of Washington county," was taken up and read a second time, and was committed to a select committee consisting of Messrs. Wilson of Washington, Marshall and Miller.

The bill from the Senate entitled "an act for the relief of Milton Sanders, sheriff and collector of White county," was taken up and read a first time.

The bill no. 1 of the House, entitled "an act for the relief of Willis S. Smith, sheriff and collector of the county of Clark," was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House no. 2, entitled "an act for the relief of Willis S. Smith, sheriff and collector of Clark county," was taken up and read a second time, and on motion of Mr. Owens, was committed to Messrs. Owens, Gray and Hubbard.

The bill of the House entitled "an act for the relief of Samuel M. Hays, late sheriff of Pope county," was taken up and read a second time, and on motion of Mr. Logan, was ordered engrossed for a third reading on to-morrow.

The bill of the House entitled "an act to amend the third section of an act entitled an act concerning forfeited lands," was read a second time, and ordered engrossed for a third reading.

The memorial to Congress of the United States, asking a law authorizing the extinguishment of Indian titles to lands on the borders of Arkansas, was taken up and read a second time.

The bill of the House entitled "an act to simplify proceedings of justices of the peace in State cases," was read a second time, and on motion of Mr. Rust, was referred to the committee on the judiciary.

The bill of the House entitled "an act to amend the road laws," was taken up and read a second time, and referred to the committee on internal improvements.

The bill entitled "an act to change the time of holding the probate court in the county of Washington, and others in this State," was taken up and read a third time, and ordered engrossed for a third reading.

The resolution proposing an amendment to the 29th section of article 4 of the constitution of the State of Arkansas, was taken up and read a second time, and was referred to the committee on the judiciary.

The bill of the House entitled "an act to establish circuit courts and county courts in Montgomery county, and for other purposes," was taken up and read a second time, and was amended by Mr. Brown of Sevier, by adding a separate section, and the bill was ordered engrossed for a third reading on to-morrow.

The bill entitled "an act to provide for certain orphans, and for other purposes," was taken up and read a second time, and on motion of Mr. Franks, committed to the committee on the judiciary.

The bill to authorize the personal estate of deceased persons to be reserved from sale under certain circumstances," was taken up and read a second time, and on motion of Mr. Rust, was referred to a select committee consisting of Messrs. Rust, Foster and Lambert.

The bill entitled "an act to authorize James W. McClung and Malcomb McLeod to sell real estate," was taken up and read a second time.

The bill entitled "an act for the protection of slave holders," was taken up and read a second time, and Mr. Blackwell moved to lay the bill on the table.

Mr. Rust amended the motion, by saying Wednesday next.

Which was adopted, and the bill laid on the table till Wednesday next.

On motion of Mr. Riggs, the House adjourned,

SATURDAY MORNING, 9 o'clock, Dec. 7th, 1844.

The House met pursuant to adjournment.

Petitions from counties were in order.

Mr. Greenwood of Benton, presented a memorial from Samuel D. Blackburn, concerning the town of Booneville, and the pre-emption right of Gilbert Marshall.

Which was read, and referred to a committee consisting of Messrs. Greenwood, Cook, Franks, Wilson of Johnson and Stubblefield.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act supplementary to an act entitled an act to survey and mark out the northern boundary line of this State, approved 12th January, 1843.

Also, an act to amend the 3d and 7th sections of the 109th chapter of the revised code.

Which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House of Representatives, entitled "an act to call in the scrip of Green county."

Which is herewith returned.

The Senate have also assented to the bill of the House of Representatives entitled "an act to amend an act entitled an act to prohibit the emigration and settlement of free negroes or free persons of color into this State, approved 20th January, 1843," with several amendments.

Which are respectfully submitted for the concurrence of your honorable body.

The Senate have passed an act to better designate the line between the counties of Crawford and Washington.

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House of Representatives, entitled "an act making penal the obliteration of the poll books of elections."

Also, an act making an appropriation to pay electors for President and Vice President.

Also, an act for the relief of James Lawson, jr., late sheriff of Pulaski.

All of which are herewith returned.

The Senate withhold their assent from the bill entitled "an act prescribing the time of holding circuit courts in the 7th judicial circuit," but have passed a substitute in lieu thereof.

Which is herewith transmitted for the assent of the House of Representatives.

Reports from standing committees were in order.

Mr. Logan, from the committee on ways and means, to whom was referred the preamble and resolution concerning the State bonds, on leave reported by substitute.

Which was adopted.

Mr. Floyd, from the committee on the militia, on leave, reported the bill entitled "an act supplementary to an act for the better organization of the militia of this State," with an amendment.

Which was adopted.

Reports from select committees were in order.

Mr. Clark of Independence, from the committee to whom was referred the bill entitled "an act for the election of school commissioner, and for the disposition of section 16, in township 13 north, of

range 6 west, on leave, reported the same back to the House without amendment.

Mr. Booker, from the select committee to whom was referred the bill entitled "an act for the relief of Isaac N. Jackson sheriff and collector of Sevier county," on leave, reported the same back to the House without amendment.

Mr. Floyd, from the committee to whom was referred the resolution instructing said committee to inquire into the expediency of instructing our Senators and requesting our Representative in Congress, to use all their united efforts for the immediate annexation of Texas to the United States, on leave, reported by a memorial to the United States Congress.

Which was read.

When Mr. Gray moved that the report and memorial be laid on the table till the 4th of July next.

Mr. Floyd called for the ayes and nays.

The members who voted in the affirmative, are,

Messrs. Bertrand, Burke, Brown of Sevier, Duval, Dawdy, Fowler, Foster, Franks, Greenwood, Gray, Hubbard, Hammond, Hodges-Lambert, Mayers, McCoy, Miller, Owens, Physick, Riggs, Rust, Robertson, Sanders, Shipp, Smith, Tackett, Trapnall, Ward, Mr. Speaker,—30

The members voting in the negative, are,

Messrs. Alston, Bateman, Blakemore, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Cross, Cromwell, Cook, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Floyd, Hall, Hays, Logan, Marshall, Mitchell, Olive, Parks, Russell, Simmons, Simpson, Steele, Strain, Stubblefield, Sumner, Sutton, Wells, Wilson of Johnson, Wilson of Washington—35.

So the report and resolution was not laid on the table.

Mr. Greenwood called for the division of the question.

The question was then put on the adoption of the report.

Mr. Rust called for the yeas and nays.

The members voting for the adoption of the report, are,

Messrs. Brown of Johnson, Cromwell, Culver, Clark of Independence, Clark of Green, Floyd, Hays, Logan, Marshall, Mitchell, Simmons, Stubblefield, Wells, Wilson of Johnson—14.

The members voting in the negative, are,

Messrs. Alston, Bertrand, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Sevier, Cross, Cook, Croft, Clark of Carroll, Dorriss, Duval, Dawdy, Fowler, Foster, Franks, Greenwood, Gray, Hubbard, Hammond, Hall, Hodges, Lambert, Mayers, McCoy, Miller, Olive, Owens, Parks, Physick, Rust, Russell, Robertson, Sanders, Simpson, Shipp, Smith, Steele, Strain, Simmons, Sutton, Tackett, Trapnall, Ward, Wilson of Washington, Mr. Speaker—52.

On leave, Mr. Olive changed his vote from negative to affirmative, on motion of Mr. Gray to lay on the table.

The resolution of said committee was then read a first time.

On motion of Mr. Greenwood, the rules were dispensed with, and the resolution read a second time.

Mr. Duval would commit the resolution to the standing committee on buncomb, with instructions to report immediately.

Mr. Blackwell called for the yeas and nays.

The members voting in the affirmative, are,

Messrs. Bertrand, Brown of Sevier, Clark of Independence, Duval, Fowler, Hubbard, Hodges, Mayers, Miller, Owens, Physick, Robertson—12.

The members voting in the negative, are,

Messrs. Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Cross, Cromwell, Croft, Culver, Clark of Carroll, Clark of Green, Dorriss, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hammond, Hall, Hays, Logan, Lambert, Marshall, McCoy, Mitchell, Olive, Parks, Riggs, Rust, Russell, Sanders, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—53.

So the resolution was not committed.

Mr. Fowler would amend the resolution by inserting after 'resolved:'

That the people of this State are in favor of the annexation of Texas to the United States, as soon it can be done consistently with the honor of the country and harmony of the Union, and that our Senators be informed, and furnished with copies of this resolution.

Mr. Floyd moved to lay the amendment on the table till the 4th July, 1848.

Mr. Fowler called for the yeas and nays.

The members voting in the affirmative, are,

Messrs. Berry, Billingsly, Blackwell, Booker, Birney, Blakemore, Brown of Johnson, Cross, Cromwell, Croft, Culver, Clark of Ind., Clark of C., Clark of G., Duval, Dawdy, Floyd, Foster, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hays, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Rust, Russell, Sanders, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—51.

The members voting in the negative, are,

Messrs. Bertrand, Bateman, Burke, Brown of Sevier, Cook, Dorriss, Fowler, Hodges, Lambert, Owens, Physick, Robertson, Trapnall, Ward—14.

So the amendment was laid on the table.

And on motion of Mr. Birney, the memorial was ordered engrossed for Monday next.

Mr. Greenwood offered:

Resolved, That the committee on buncomb be, and is now henceforth and forever, dissolved, and that the same be declared by this House forever annihilated and extinct in all its various forms and ramifications.

Mr. Robertson of Marion called for the yeas and nays.

The members voting in the affirmative, are,

Messrs. Alston, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Croft, Clark of Green, Floyd, Foster, Greenwood, Garner, Gray, Hammond, Hall, Hays, Logan, Lambert, Marshall, McCoy, Mitchell, Olive, Parks, Russell, Sanders, Simmons, Shipp, Simpson, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Trapnall Wells, Wilson of Johnson, Wilson of Washington—44.

The members voting in the negative, are,

Messrs. Bertrand, Booker, Cook, Clark of Independence, Fowler, Hubbard, Hodges, Mayers, Miller, Owens, Physick, Rust, Robertson,—13.

So the resolution was adopted, and the committee on buncomb dissolved, and this House will henceforth repudiate with scorn and contempt any further intrusion from any of the buncomb family.

Mr. Hall, pursuant to notice, introduced a bill for the relief of Geo. W. Adams, late sheriff of Poinsett county, was read a first time.

When on motion of Mr. Floyd, the rules were suspended, and the bill read a second time, and referred to a committee consisting of Messrs. Hall, Floyd, and Sanders.

Mr. Croft gave notice that, on Monday next, he would ask leave to introduce a bill to be entitled an act to repeal th section of chapter 4th of the revised statutes, and for other purposes.

Message from the Governor, expressing the executive's approval signature to the bill entitled an act to authorize Absalom Fowler, as guardian of F. Desha, to turn over her estate to her guardian in Kentucky. Also an act for the relief of James M. Halbert, sheriff and collector of St. Francis county. Also an act to incorporate Spring Hill female academy.

Mr. McCoy offered the following :

Resolved, That the 300 bonds of the State in the treasury office at this time, and the seven bonds of the State in the State bank, known as the unsold bonds of the State, be committed to the fire and consumed on the 1st day of January next.

When, on motion of Mr. McCoy, it was referred to a committee consisting of Messrs. McCoy, Hammond, Marshall, Croft and Billingsly.

On motion of Mr. Brown of Sevier, the House adjourned.

MONDAY MORNING, 9 o'clock, December 9th, 1844.

The House met pursuant to adjournment.

Mr. Gray from Clark presented a petition from sundry citizens of

Clark county, living on the east side of the Ouachita river, praying to have the county divided, and a new county erected.

Which was read. And on motion of Mr. Gray, the petition was referred to the standing committee on counties and county lines.

Mr. Dawdy of Bradley presented a petition from sundry citizens of Bradley county, praying to be added to the new county, if one should be established from Clark county.

Which was read, and also referred to the standing committee on counties and county lines.

Mr. Duval presented a petition from sundry citizens of Fort Smith, in the county of Crawford, asking a donation to endow an academy and to incorporate the same by enactment, under the name of Fort Smith academy. Read.

And on motion of Mr. Duval, the petition was referred to a select committee, consisting of Messrs. Duval, Mayers, and Booker.

Mr. Cromwell presented a petition from sundry citizens of Jackson county, asking a law to authorize the moving of the court house, in the town of Elizabeth, to another lot in the same town above overflow.

Read and referred to a select committee, consisting of Messrs. Cromwell, McCoy, Mayers and Cross.

Mr. Wells presented a petition from sundry citizens of Fulton county, asking that the citizens of Fulton county may be exempted from paying any of the old county debt of Izard county, from which the said county was stricken off.

Read and referred to the standing committee on counties and county lines.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrolments, on leave, reported correctly enrolled an act to amend the law concerning the lien of mechanics; and an act declaring Fourche Lefevre a navigable stream; and an act to repeal an act to regulate the sale of property on execution, approved 23d December, 1840, and for other purposes; an act to call in the scrip of Washington county; and an act for the relief of Wm. Arnett, sheriff and collector of Hempstead county; also a resolution to establish a mail route from Washington, in Hempstead county, to Natchitoches, in Louisiana; also a resolution to carry the mail from Little Rock, in Arkansas, to Fulton, on Red river, in four horse coaches tri-weekly.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act to change in part the time of holding the circuit courts within the 1st judicial circuit, in this State.

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House of Representatives entitled an act for the benefit of Redding Bushby.

Also an act to incorporate the town of Camden.

And also the resolution instructing our Senators and requesting our

Representative in Congress to use their best exertions to procure the establishment of a weekly mail route beginning at Lewisburg, in Conway, and by Searcy, in White county, to Strong's, where it will intersect the Memphis and White river line, with amendments, which are herewith submitted for the concurrence of your honorable body.

Mr. Strain, from the committee on education, on leave, reported the bill entitled an act making appropriations for common schools, back to the House, with an amendment.

Which was adopted.

Mr. Hall, from the select committee to whom was referred the bill entitled an act for the relief of Geo. W. Adams, late sheriff of Poinsett county, on leave, reported the same back to the House without amendment.

Mr. Owens, from the committee to whom was referred the bill entitled an act for the relief of Willis S. Smith, late sheriff of Clark county, on leave, reported the same back to the House, without amendment, and recommend the passage of the same.

Mr. Rust, from the standing committee on banks, to whom was referred the bill entitled an act to place the State bank of Arkansas in liquidation, approved February 3d, 1843, on leave, reported the same back to the House without amendment, recommending the same to pass.

On motion of Mr. Floyd, the orders of the day were taken up.

The printed report on the Hon. A. H. Sevier's petition, was taken up.

On motion of Mr. Trapnall, was laid on the table till to-morrow.

The bill of the Senate entitled "an act for the relief of Isaac N. Jackson, was taken up and read a third time and passed, and was returned to the Senate.

The bill entitled an act to prohibit the emigration of free negroes and free persons of color into this State, approved 20th January, 1843, was called up, and the amendment from the Senate was read.

And on motion of Mr. Fowler, the assent of the House was withheld from the amendment, and committee of conference was asked.

And Mr. Speaker appointed Messrs. Trapnall, Fowler, Mayers, Booker, and Dorris.

The bill of the House entitled an act prescribing the time of holding the circuit courts in the 7th judicial circuit, which was returned from the Senate with an amendment, as substitute, which was read.

And on motion of Mr. Mayers, the House withheld their assent from the amendment, and asked that a committee of conference be appointed.

When Mr. Speaker appointed Messrs. Scott, Floyd, Alston, and Simmons.

The bill of the House entitled an act for the better organization of the militia, was taken up, and the amendment read a second time, and the bill ordered engrossed for to-morrow.

The bill of the House entitled an act to establish circuit and county courts in the county of Montgomery, was taken up and read a third time.

Mr. Fowler moved to lay the bill on the table till the 4th of July next.

Mr. Shipp called for the yeas and nays.

The members voting in the affirmative, are,

Messrs. Bertrand, Burke, Cook, Croft, Dorris, Fowler, Gray, Lambert and Simmons---9.

The members voting in the negative, are,

Messrs. Alston, Bateman, Blakemore, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Culver, Clark of Independence, Clark of Green, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Hammond, Hall, Hodges, Hays, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust, Russell, Robertson, Scott, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Wilson of Washington, Wilson of Johnson, Mr. Speaker—54. So the bill was not laid on the table.

On motion of Mr. Trapnall, the bill was postponed till Monday next.

The resolution instructing our Senators and requesting our Representative in Congress to use their exertions to have Texas annexed to the United States, was taken up and read a third time, and put on its final passage. Mr. Bertrand called for the yeas and nays.

The members voting in the affirmative, are,

Messrs. Alston, Blakemore, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Croft, Culver, Clark of Independence, Dorris, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hammond, Hall, Hays, Logan, Mayers, Marshall, McCoy, Mitchell, Olive, Parks, Riggs, Rust, Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—53.

The members voting in the negative, are,

Messrs. Bertrand, Burke, Duval, Fowler, Lambert, Owens, Physick, Trapnall, Ward—9.

So the resolution was passed, and sent to the Senate for their assent.

The resolution instructing our Senators and requesting our Representative in Congress of the United States to use their influence to have the Indian titles to lands on the western frontier extinguished, was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled an act to change the time of holding probate courts in the counties of Washington, Benton, and others.

The bill of the House entitled an act to amend the 2d section of an act concerning forfeited lands, was taken up and read a third time and passed and transmitted to the Senate for their assent.

The bill of the House entitled an act to provide for the election of school commissioners, and dispose of section 16 in township number 13 north, of range n. 6. w.

The memorial to the Congress of the United States asking for an

appropriation of one hundred thousand dollars to complete the national road from Memphis, Tennessee, to Little Rock, Arkansas, was taken up and read a second time.

And on motion of Mr. Riggs, was referred to the standing committee on internal improvement.

The bill entitled an act to amend an act approved December 28th, 1840, authorizing the sale of the 72 sections of seminary lands, was taken up and read a second time, and referred to the standing committee on education.

On leave, Mr. Rust gave notice that, on to-morrow, he would ask leave to introduce a bill entitled an act for the improvement of roads and highways, and to place resident on an equality with non-resident land-holders in the State.

On leave, Mr. Mayers introduced a memorial to the United States Congress in relation to the Hot Springs in the State of Arkansas.

Which was read a first time.

The bill of the House entitled an act to distribute the proceeds of the sales of the 500,000 acres of land among the several counties, in this State, was taken up and read a second time.

Mr. Mayers moved to lay on the table.

Mr. Simmons called for the yeas and nays.

The members voting in the affirmative, are,

Messrs. Bertrand, Burke, Blackwell, Brown of Sevier, Cross, Duval, Dawdy, Fewler, Foster, Franks, Greenwood, Garner, Gray, Lambert, Mayers, Miller, Owens, Parks, Physick, Russell, Robertson, Ward—23.

The members voting in the negative, are,

Messrs. Alston, Bateman, Blakemore, Berry, Billingsly, Birney, Brown of Johnson, Cromwell, Cook, Croft, Culver, Clark of Independence, Clark of Green, Dorris, Floyd, Hubbard, Hammond, Hall, Hodges, Hays, Logan, Marshall, Mitchell, Olive, Riggs, Rust, Sanders, Scott, Sumner, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington—41.

So the bill was not laid on the table.

Mr. Parks would amend the bill.

On motion of Mr. Rust, the amendment and the bill were referred to the committee on internal improvements.

On motion of Mr. Floyd, the House adjourned.

TUESDAY MORNING, 9 o'clock, *December 10th, 1844.*
The House met pursuant to adjournment.

A message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate passed “an act to refund to William Black the State and county taxes paid by him for the purchase of a tract of land erroneously twice taxed and sold for the same year ;”

Also, “an act to require the judges of the circuit courts to interchange circuits, and hold courts for each other ;”

Also, “an act authorizing non-residents to pay taxes directly into the State treasury ;”

Also, “an act for the relief of Ebenezer Frazier, late sheriff of Miller county ;”

Also, “an act regulating poll books for the *viva voce* or ballot system of voting ;”

Also, “an act legalizing the marriage of David Castleberry and his wife Perrina.”

Which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House entitled an act with an amendment.

Which is herewith submitted for the concurrence of the House of Representatives.

Petitions from counties were in order.

Mr. Sumner presented a petition from Pleasant M. Johnson, sheriff of Madison county, praying for compensation for time, services and money, expended by him in bringing Green W. Hampson, a convict to the penitentiary.

Which was read, and on motion of Mr. Berry, it was referred to a select committee consisting of Messrs. Berry, Sumner and Clark of Carroll.

Mr. Rust presented a petition from sundry citizens of the counties of Union, Bradley and Ouachita, concerning the establishment of a land office in the district composed of the said counties.

Which was read, and referred to a select committee, consisting of Messrs. Rust, Dawdy, Foster, Owens and Culver.

Mr. Garner presented a petition from sundry citizens of Chicot county, praying for the erection of a new county.

Which was read, and on motion of Mr. Garner, it was referred to the committee on counties and county lines.

Reports from standing committees were in order.

Mr. Fowler, from the committee on the judiciary, on leave, reported against several bills which had been referred to said committee and recommended their indefinite postponement, as follows :

The bill to be entitled “an act to amend the 80th section of the 4th chapter of the revised statutes ;”

Also, a bill entitled “an act to amend the 62d and 63d sections of chapter 60 of the revised statutes of Arkansas ;”

Also, a bill entitled “an act to provide for certain orphans, and for other purposes ;”

Also, "an act to repeal the 6th section of chapter 44 of the revised statutes."

Which recommendation was adopted.

Also, reported a bill entitled "an act for the benefit and relief of sheriffs and coroners," with several amendments.

Which were adopted.

Also, the bill entitled "an act to simplify proceedings before justices of the peace in State cases," with amendments.

Which were adopted.

Also, the bill entitled "an act to define the duties of witnesses, and for other purposes," with an amendment.

Which was adopted.

Mr. Croft, from the committee on counties and county lines, on leave, introduced a bill entitled "an act to annex certain territory to the county of Poinsett."

Which was read a first time.

A message from the Governor, by his private secretary, that the executive had approved and signed the bill of the House entitled "an act to amend the law concerning the lien of mechanics;"

"An act to call in the scrip of Washington county;"

"An act declaring Fourche le Faive a navigable stream;"

"An act for the relief of William Arnett, sheriff of Hempstead county;"

"An act to repeal an act to regulate the sale of property under execution, and for other purposes;"

A resolution on the subject of a mail route to Fulton;

Also, a resolution on the subject of a mail route to Natchitoches, Louisiana.

Mr. Sutton, from the committee on claims, to whom was referred the memorial of William E. Woodruff, and also the testimony and opinion of sundry citizens, on the matter of rendering him certain claims and of releasing him from farther prosecution of the State against his official bond as treasurer of the State of Arkansas, on leave reported by bill entitled "an act for the relief of William E. Woodruff."

Mr. Bertrand called for the ayes and nays on the adoption of the report.

The members voting in the affirmative are,

Messrs. Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Croft, Culver, Clark of Independence, Clark of Green, Duval, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hammond, Hall, Hays, Logan, Mayers, McCoy, Mitchell, Physick, Sanders, Simmons, Smith, Strain, Stubblefield, Sumner, Sutton, Tackett, Wilson of Johnson, Wilson of Washington, Mr. Speaker—36.

The members voting in the negative are,

Messrs. Alston, Bertrand, Burke, Birney, Cross, Cromwell, Cook, Clark of Carroll, Dorris, Dawdy, Fowler, Hubbard, Hodges, Lambert, Marshall, Miller, Olive, Owens, Parks, Riggs, Rust, Russell, Ro-

bertson, Scott, Simpson, Shipp, Steele, Trapnall, Ward, Wells—30.

So the report was adopted, and the bill read a first time.

Message from the Senate by the secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House entitled “an act for the relief of Samuel M. Hays, late sheriff of Pope county.”

Which is herewith returned.

Mr. Bertrand, from the committee to whom was referred the bill entitled “an act to incorporate the Little Rock bridge company,” on leave, reported the same back to the House with amendments.

Which were adopted.

Mr. Hubbard, from the select committee to whom was referred the resolution, instructing said committee to investigate what amount of specie there was in the vaults of the State bank, at the suspension of specie payments by said bank, and to what purposes the same had been applied since that time, &c., on leave, reported with accompanying certificates and documents. (Which will be found in the appendix to this journal.)

When on motion of Mr. Rust, the report was laid on the table till such time as the report from the standing committee on banks shall be submitted to the House.

Mr. Greenwood, from the committee on enrolments, on leave, reported correctly enrolled the bill entitled “an act for the relief of Sam. M. Hays, sheriff and collector of Pope county;”

And also, “an act for the relief of James Lawson, jr., late sheriff of Pulaski county.”

A message from the Governor, that he had approved and signed the act for the relief of Samuel M. Hays, sheriff of Pope county;

Also, “an act for the relief of James Lawson, jr., sheriff of Pulaski county.”

On motion of Mr. Mayers, the orders of the day were taken up.

The petition of the Hon. A. H. Sevier, and the report of the committee thereon, was taken up and read.

When Mr. Mayers moved that the report be adopted, and that the same be put upon the journals of the House of Representatives, and called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Blakemore, Berry, Billingsly, Blackwell, Booker, Brown of Johnson, Cross, Cromwell, Croft, Culver, Clark of Independence, Clark of Green, Duval, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hammond, Hall, Hays, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Rust, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wilson of Johnson, Wilson of Washington, Mr. Speaker—44.

The members voting in the negative are,

Messrs. Alston, Bertrand, Burke, Birney, Brown of Sevier, Cook, Clark of Carroll, Dorris, Fowler, Hubbard, Hodges, Olive, Owens, Parks, Physick, Riggs, Russell, Robertson, Sanders, Scott, Trapnall, Ward, Wells—23.

So the report was adopted, and the motion to put upon the journals carried.

On motion of Mr. Brown of Sevier, Mr. Hughes had leave of absence, on account of illness.

On motion of Mr. Mayers, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, Dec. 11th, 1844.

The House met pursuant to adjournment.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have appointed Messrs. McKean, Gaines, Ficklin and Yell, a committee to confer with Messrs. Trapnall, Fowler, Mayers, Booker and Dorris, the committee appointed on part of the House, on the disagreement between the two Houses, on the bill entitled "an act to amend an act to prohibit the emigration and settlement of free negroes, or free persons of color, into this State, approved January 20th, 1843."

Also, the Senate have appointed Messrs. Gaines, Rose and Stell a committee, to confer with Messrs. Mayers, Scott, Floyd, Alston and Simmons, the committee on part of the House, on the disagreement of the two Houses, on the bill of the House, and the substitute of the Senate therefor, entitled "an act prescribing the time of holding the circuit courts in the 7th judicial circuit."

The Senate have passed resolutions to amend the constitution of the State of Arkansas.

Which are herewith transmitted for the assent of your honorable body.

The Senate have adopted the following resolution:

Resolved, That no new bill shall be introduced into the Senate or House of Representatives, after the 15th instant, and the House is asked to concur herein.

The concurrence of the House is respectfully asked thereto.

The member elect from Independence county, Mr. Wm. S. Hynson, to fill the seat of the Hon. Mortimer W. Baltimore, deceased, was introduced by his colleague, Mr. Clark of Independence, produced his certificate of election, was qualified and took his seat.

Petitions from counties were in order.

Mr. Fowler presented a petition from Samuel M. Rutherford of Saline county, and others, concerning the defalcation of John Hutt, asking to be relieved from the said Hutt's official bond as treasurer of the State of Arkansas.

Was read, and on motion of Mr. Fowler, was referred to the standing committee on the judiciary.

Mr. Hays from Pope, presented a petition from sundry citizens of Pope county, praying for a division of said county, and an alteration in the boundary line of said county.

Was read and referred to a select committee consisting of Messrs. Hays, Brown of Johnson, Simmons and Greenwood.

Mr. Hays, on leave, presented a petition from sundry citizens of Conway county, concerning the boundary line of said county.

Which was read and referred to a committee consisting of Messrs. Hays, Simmons, Greenwood and Brown of Johnson.

No further petitions were offered.

Reports from standing committees were in order.

Mr. Croft from the committee on counties and county lines, to whom was referred the several petitions from the citizens of the counties of Clark and Bradley, asking for the erection of a new county, on leave, reported by bill erecting the county of Dallas.

Which was read, and on motion of Mr. Croft, the rules were suspended, and the bill was read a second time, and referred to a select committee, consisting of Messrs. Gray, Dawdy and Rust.

Mr. Duval, from the select committee on the report of the standing committee on counties and county lines, upon the constitutional number of square miles in the several counties in this State, on leave, reported as follows:

Mr. Speaker—The committee to whom was referred the report of the standing committee on counties and county lines, respectfully report,

That after mature investigation of the subject, and upon all the evidence before your committee, they are of opinion that the following counties have not the requisite number of square miles, and they are deficient in territory, to wit:

Franklin, deficient 94 square miles;

Newton, deficient 162 square miles;

Benton, deficient 24 square miles;

Madison, deficient 2 square miles;

Marion, deficient 188 square miles;

Perry, deficient 24 square miles;

Yell, deficient 54 square miles;

But your committee would further represent, that the boundary line, or a portion of the same, between this State and the State of Missouri, is yet uncertain and undefined, and furthermore, that several counties here reported as probably deficient in territory, have never been surveyed, and are only known by their natural boundaries, "dividing ridges," "water courses," and "old traces;" and therefore your committee are of opinion that until their boundaries are completely and accurately defined, it is inexpedient to legislate upon the subject.

Mr. Duval, from the select committee to whom was referred the bill entitled "an act to incorporate the city of Van Buren," on leave, reported the same back to the House with an amendment.

Which was adopted.

Mr. Rust, from the committee to whom was referred the bill entitled "an act to authorize the personal estate of deceased persons to be reserved from sale under certain circumstances," on leave, reported the same back to the House by substitute entitled "an act to authorize Caroline Donnell and Dempsey Foster, administrator and administratrix of Samuel Donnell, deceased, late of Ouachita county, to reserve from sale and keep together the personal property belonging to said estate."

Which was adopted.

Mr. Rust, from the committee to whom was referred the petition of sundry citizens of the counties of Ouachita, Union and Bradley, concerning the establishment of a land office in said district, on leave, reported by resolutions of instructions to the Arkansas delegation in Congress of the United States, requesting the establishment of such land district, &c. Which was read a first time.

Mr. McCoy, pursuant to notice introduced a memorial to Congress, asking for a continuance of the mail route from Rock Roe to Elizabethtown in Jackson county.

Which was read a first time.

Mr. Clark of Green, pursuant to notice, introduced a bill entitled "an act to prevent fire hunting in this State."

Which was read a first time.

Mr. Marshall offered,

Resolved, That no member of this House shall be entitled to draw for his pay for any time he may be absent, either with or without leave, unless the cause of absence be sickness.

Mr. Mayers moved to lay the resolution on the table.

Mr. Marshall called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bateman, Brown of Sevier, Cook, Culver, Clark of Carroll, Dorris, Garner, Gray, Mayers, Physick, Robertson, Sanders, Trappall—14.

The members voting in the negative are,

Messrs. Bertrand, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Cross, Cromwell, Croft, Clark of Independence, Clark of Green, Dawdy, Floyd, Fowler, Franks, Greenwood, Hubbard, Hammond, Hall, Hodges, Hays, Hynson, Logan, Lambert, Marshall, McCoy, Mitchell, Olive, Owens, Parks, Riggs, Rust, Russell, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—52.

So the resolution was not laid on the table.

Mr. Greenwood amended the resolution by adding :

Be it further resolved, That the provisions of the foregoing resolution, should not operate upon such members as have heretofore obtained leave of absence, nor shall it apply to such members of this House who are absent on account of the indisposition of their families.

Which was adopted, and the resolution as amended was adopted

Pursuant to notice, Mr. Rust introduced a bill entitled "an act for the improvement of roads and highways in this State, and to place resident land holders on an equality with non-resident land holders."

Which was read a first time.

On motion of Mr. Rust, the rules were suspended, and the bill read a second time, and referred to a select committee, consisting of Messrs. Marshall, Birney, Culver, and Steele.

On leave, Mr. Floyd introduced a bill to be entitled "an act for the relief of E. B. Alston, administrator of A. Sinclair, late sheriff of Johnson county," which was read a first time, and

On motion of Mr. Floyd, the rules were dispensed with, and the bill read a second time and referred to a select committee, consisting of Messrs. Floyd, Scott, Tackett, Simmons and Robertson.

Mr. Croft of Green, introduced a bill entitled "an act to repeal section seventy-two of the fourth chapter of the revised statutes, and for other purposes," which was read a first time, and

On motion of Mr. Croft, the rules were dispensed, and the bill was read a second time, and referred to the committee on the judiciary.

Mr. Wilson, of Johnson, on leave, introduced a bill entitled "an act to repeal the 123d section of chapter 87, under head of justices of the peace in the revised statutes.

Which was read a first time.

And on motion of Mr. Wilson of Johnson, the rules were dispensed with, and the bill read a second time, and was referred to the committee on the judiciary.

Mr. Blackwell offered:

Resolved, That no bill shall be introduced in this House, after the 15th day of the present instant, except an appropriation bill, which was read, when the chair decided the same out of order.

On leave, Mr. Owens introduced a bill entitled "an act to authorize appeals from the county courts."

Which was read a first time, and

On motion of Mr. Owens, the rules were suspended, and the bill read a second time, and referred to the committee on the judiciary."

On leave, Mr. Steele, introduced a bill entitled "an act to authorize the sheriff elect of Franklin county, to collect the arrearages of taxes in said county, and for other purposes."

Which was read a first time, and

On motion of Mr. Steele, the rules were suspended, and the bill read a second time.

On leave, Mr. Parks introduced a bill entitled "an act to define the line between Yell and Montgomery counties."

Which was read a first time.

And on motion of Mr. Parks, the rules were suspended, and the bill read a second time, and

On motion of Mr. Hays, was referred to the standing committee on counties and county lines.

Mr. Brown of Sevier, gave notice, that on to-morrow, he would ask

leave to introduce a bill to settle the titles of the salt lands in Sevier county.

Mr. Dorriss gave notice, that on to-morrow, he would introduce a bill to authorize the administrator of the estate of William Gilchrist, deceased, to dispose of certain property.

On motion of Mr. Clark of Carroll, the orders of the day were taken up.

The bill of the Senate entitled "an act amendatory of an act to survey and mark out the northern boundary of the State of Arkansas,"

Was taken up and read a first time, and

On motion of Mr. Rust, the rules were suspended, and the bill read a second time, and

On motion of Mr. Culver, was committed to a select committee, consisting of Messrs. Rust, Culver and Greenwood.

The amendment of the Senate to the bill of the House, entitled "an act concerning limitations," was taken up and read and concurred in and passed.

The bill of the House entitled "an act for the relief of Willis S. Smith, late Sheriff of Clark county,"

Was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act for the relief of George W. Adams, late sheriff of Poinsett county,"

Was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House for the relief of Presley R. Smith, was taken up and read a third time and passed, and was sent to the Senate for their assent.

On motion of Mr. Cromwell, the House adjourned.

THURSDAY MORNING, 9 o'clock, Dec. 12th, 1844.

The House met pursuant to adjournment.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed "an act supplementary to "an act, to establish a system of common schools in the State of Arkansas, approved 3d of February, 1843."

Also, "an act to authorize the sale of all the slaves belonging to John Magness, late of White county, dec'd."

Also, a memorial to the Congress of the United States, asking an

appropriation of 580,000 for the construction of levees along the banks of the Arkansas and Mississippi rivers.

And also, a resolution instructing our Senators, and requesting our Representative in Congress, to use their influence with the post master general of the United States, to have the mail carried twice a week from Jackson *via* Pocahontas, to St Francis post office.

All of which are herewith transmitted for the assent of the House of Representatives.

The Senate have adopted the report of the select joint committee, made to the House of Representatives, to whom was referred the petition of the Hon. A. H. Sevier, and have also concurred in the resolutions accompanying said report:

Mr. Trapnall of Pulaski, introduced Mr. Abijah Davis, member elect from the county of Saline, to fill the seat vacated by the decease of the Hon. Charles Caldwell, who produced his sertificate of election, was qualified and took his seat.

Petitions from counties were in order.

Mr. Bankhead presented a petition from Samuel Gray and Catharine Gray, praying that the property of Levi Davis, deceased, should be removed from the control of the probate court of Sevier county, and placed under the control of the probate court of Hempstead county, which was read and referred to the committee on the judiciary.

Mr. Simmons presented a petition from sundry citizens of Conway county, relative to the erection of a certain road, and granting toll privileges to Wm. A. W. McNamee, for improving and cutting out the same, was read and referred to Messrs. Simmons, Olive and McCoy, committee.

No further petitions were offered.

Reports from standing committees were in order.

Mr. Croft, from the committee on counties and county lines, to whom was referred the petition of sundry citizens of Chicot county, praying for the erection of a new county from a portion of the territory of said county, on leave, reported against the provisions of said petition, in consequence of there being a want of a constitutional number of square miles in said county of Chicot.

Mr. Dorris from the committee to whom was referred the bill entitled "an act to prevent betting on elections, on leave, reported a substitute for said bill, of the same title, which was adopted.

Mr. Greenwood, from the standing committee on enrolment, on leave, reported correctly enrolled, "an act making appropriation to pay electors for President and Vice President of the United States; and "an act making penal the obliteration of poll books of elections; also, an act to call in the scrip of Green county; also, an act for the benefit of Redding Busby."

Mr. Floyd, from the committee to whom was referred the bill entitled "an act for the relief of E. B. Alston, on leave, reported the same back to the House with an amendment,

Which was adopted.

Mr. Gray, from the select committee to whom was referred the bill enti-

bled an act to establish the county of Dallas," on leave, reported a substitute to the bill with the same title.

Which was read and adopted.

Mr. Culver, from the committee to whom was referred the bill entitled "an act supplementary to act to survey and mark out the northern boundary line of this State, approved the 12th January, 1843," having had the same under consideration, on leave, reported the same back to the House without amendment, and recommended the passage of the bill.

On motion of Mr. Greenwood, the bill entitled "an act to amend an act entitled an act, to place the bank of the State of Arkansas, in liquidation, was taken up, and

On motion of Mr. Sutton, any action upon the bill was postponed until Monday next.

Mr. Bertrand, on leave, introduced a bill entitled an act to repeal a portion of an act to extend the powers of the mayor and aldermen of the city of Little Rock," approved 21st December, 1840.

Which was read a first time.

Mr. Riggs, on leave, introduced a bill entitled "an act to amend the law concerning the destruction of wolves."

Which was read a first time.

Mr. Croft, on leave, introduced a bill entitled "an act to authorize the issuing of attachment in certain cases," was read a first time.

Message from the Senate by secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act for the relief of John C. Bowen, sheriff of Mississippi county, Arkansas."

Which is herewith transmitted for the assent of the House of Representatives.

Mr. Collins gave notice that on to-morrow, he would introduce a bill allowing to settlers on undivided lands, their improvements on a division of the same.

Mr. Rust offered the following preamble and resolution:

[The copy of Mr. Rust's, preamble and resolution was not furnished the printer.]

Pursuant to notice, Mr. Dorris introduced a bill entitled "an act authorizing the sale of certain property belonging to the estate of Wm. Gilchrist, deceased."

Which was read a first time.

Mr. Hubbard, on leave, introduced a bill to be entitled "an act to divorce and separate the State bank of the State of Arkansas and its branches from the Real Estate bank and branches."

Which was read a first time.

On motion of Mr. Bertrand, the orders of the day were taken up.

The bill of the House entitled "an act to incorporate the Little Rock bridge company,"

Was taken up on its third reading.

When Mr. Rust would amend by inserting a separate section.

Be it further enacted, That the stockholders of the bridge company aforesaid shall be liable to the creditors of said company to the full amount of the liabilities of the company, contracted by an authenticated agent of the same, any thing in any preceding section of this act to the contrary notwithstanding, and called for the ayes and nays upon its adoption.

The members voting in the affirmative, are

Messrs. Alston, Berry Billingsly, Birney, Brown of Johnson, Cross, Cromwell, Culver, Clark of Independence, Clark of Carroll, Dawdy, Floyd, Foster, Franks, Hubbard, Hammond, Hall, Hodges, Hays, Logan, Lambert, Marshall, Mitchell, Rust, Russell, Sanders, Scott, Simpson, Shipp, Steele, Stubblefield, Sumner, Wells, Wilson of Johnson, Wilson of Washington—35.

The members voting in the negative, are

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Blackwell, Booker, Brown of Sevier, Cook, Croft, Collins, Davis, Duval, Dorris, Fowler, Greenwood, Garner, Gray, Hughes, Hynson, Mayers, McCoy, Miller, Olive, Owens, Parks, Physick, Riggs, Robertson, Simmons, Smith, Strain, Sutton, Trapnall, Ward—35.

So the amendment was not adopted.

On motion of Mr. Trapnall, Mr. Olive, obtained leave to change his vote from negative to affirmative, from misconception of the question.

The question was then put upon the passage of the bill, and Mr. Rust called for the ayes and nays.

The members voting in the affirmative, are

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Blackwell, Booker, Brown of Johnson, Brown of Sevier, Cook, Croft, Clark of Independence, Dorris, Davis, Duval, Fowler, Greenwood, Gaines, Gray, Hall, Hughes, Hynson, Lambert, Miller, Owens, Physick, Riggs, Robertson, Simmons, Smith, Steele, Strain, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—39.

The members voting against the passage, are

Messrs. Alston, Birney, Billingsly, Cross, Cromwell, Culver, Clark of Carroll, Dawdy, Floyd, Foster, Franks, Hubbard, Hammond,

Hodges, Hays, Logan, Mayers, Marshall, McCoy, Mitchell, Olive, Parks, Rust, Russell, Sanders, Scott, Simpson, Shipp, Stubblefield, Sumner, and Mr. Speaker—32.

So the bill passed and was transmitted to the Senate for their assent.

On motion of Mr. Collins, the bill of the Senate for the relief of John C. Bowen, sheriff of Mississippi county, was called up and read.

And on motion of Mr. Collins, the rules were dispensed with and the bill read a second time.

The resolution of the Senate, that no bill shall be introduced into the Senate or House of Representatives after the 15th of the present month, was taken up and read.

When Mr. Bertrand moved to lay the bill on the table.

Mr. Blackwell called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Berry, Booker, Brown of Johnson, Brown of Sevier, Cook, Collins, Culver, Clark of Independence, Clark of Green, Dorris, Duval, Davis, Floyd, Fowler, Foster, Greenwood, Garner, Gray, Hubbard, Hodges, Hays, Hynson, Logan, Lambert, Mayers, McCoy, Miller, Owens, Riggs, Rust, Russell, Robertson, Simmons, Shipp, Smith, Steele, Strain, Sumner, Sutton, Trapnall, Ward, Wilson of Washington, Mr. Speaker—45.

The members voting in the negative are,

Messrs. Alston, Bateman, Blakemore, Burke, Billingsly, Blackwell, Cross, Cromwell, Croft, Clark of Carroll, Dawdy, Franks, Hammond, Hall, Hughes, Marshall, Mitchell, Olive, Parks, Physick, Sanders, Scott, Simpson, Stubblefield, Wells, Wilson of Johnson—26.

So the resolution was laid on the table indefinitely.

On motion of Mr. Clark of Carroll, leave of absence was granted Mr. Tackett on account of indisposition.

On motion of Mr. Fowler, the bill of the House entitled an act to define the boundary line between Pulaski, Saline and Perry counties, was taken up and read a second time, and

On motion of Mr. Russell, was referred to a select committee, consisting of Messrs. Russell, Fowler, Davis, Trapnall and Simmons.

Message from the Governor by private secretary.

The executive has approved and signed "an act to incorporate the town of Camden."

Also, "an act to call in the scrip of Green county."

Also, "an act for the benefit of Redding Busby."

Also, "an act making an appropriation to pay the electors of President and vice-President."

Also, "an act making penal the obliteration of the poll books of elections."

The bill entitled "an act to authorize James W. McClung and Malcomb McLeod to sell real estate," was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

On leave, Mr. Trapnall introduced a bill entitled "an act to authorize the secretary of State to appoint a deputy," which was read a first time, and

On motion of Mr. Trapnall, the rules were suspended, and the bill read a second time, and ordered engrossed for a third reading on to-morrow.

On motion of Mr. Trapnall, the House adjourned.

FRIDAY MORNING, 9 o'clock, 13th December, 1844.

The House met pursuant to adjournment.

On motion of Mr. Clark of Carroll, leave of absence was granted to Mr. Birney on account of illness.

On motion of Mr. Berry, leave of absence was granted Mr. Sumner, on account of indisposition.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act prescribing an easy mode of collecting debts."

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House, entitled "an act for the relief of Willis S. Smith, sheriff of Clark county."

Also, "an act for the relief of Presley R. Smith, late sheriff of Washington county."

Also, "an act for the relief of Willis S. Smith, late sheriff of Clark county."

The Senate have receded from their substitute for the bill of the House entitled "an act prescribing the time of holding the circuit courts in the 7th judicial circuit," and have assented to the original bill of the House of Representatives."

All of which are herewith returned.

Petitions from counties were declared in order.

Mr. Simmons presented a petition from sundry citizens living on the Palarm creek, asking to be attached to the new county, proposed to be erected from the territory of Pulaski and Conway counties, which was read and referred to a committee consisting of Messrs. Simmons, Fowler, Cook, Russell and Olive.

Mr. Fowler from the committee on the judiciary, on leave, reported by bill, on the memorial of Luke E. Barber, clerk of the supreme court, entitled "an act to regulate the fees of the clerk of the supreme court," which was read a first time.

Mr. Croft, from the committee on counties and county lines, on leave, reported a bill entitled "an act more fully to define the boundary lines between Yell and Montgomery counties," and recommended its passage.

Also, on the petition of sundry citizens of Fulton county, in relation to the county indebtedness of Izard and Fulton, on leave, reported by bill entitled "an act to repeal a part of the 16th section of "an act to establish the county of Fulton, approved 21st December 1842."

On motion of Mr. Riggs, the bill was rejected.

Mr. Greenwood was called to the chair.

Mr. Strain, from the committee on education, to whom was referred a bill entitled "an act to amend an act approved the 28th Dec'r, 1840," authorizing the sale of the 72 sections of seminary lands, on leave, reported the bill back with an amendment by adding a separate section.

SEC. 6. *Be it further enacted*, That out of the seminary funds on hand, on the first of July next, and the proceeds of the sales of lands yet unsold, that a seminary of learning be erected at _____ in county of _____, in the State of Arkansas."

Mr. Clark of Independence, called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Blakemore, Burke, Billingsly, Blackwell, Brown of Sevier, Cook, Collins, Culver, Dawdy, Davis, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hays, Hughes, Hynson, Logan, Lambert, Mayers, McCoy, Miller, Olive, Owens, Physick, Riggs, Rust, Scott, Smith, Strain, Sutton, Trapnall, Ward, Wilson of Washington.—38

The members voting in the negative are.

Messrs. Alston, Bateman, Berry, Birney, Brown of Johnson, Cross, Cromwell, Croft, Clark of Independence, Clark of Carroll, Clark of Green, Floyd, Hubbard, Hammond, Hall, Hodges, Marshall, Mitchell, Parks, Russell, Robertson, Sanders, Simmons, Simpson, Shipp, Steele, Stubblefield, Wells, Wilson of Johnson—31.

So the amendment was adopted.

Mr. Fowler, from the committee on the judiciary, to whom was referred the bill entitled an act to repeal the 72d section of the revised statutes, and for other purposes; and also, "an act for the repeal of the 42d section of an act to establish common schools in the State of Arkansas," on leave, reported that both of the above named bills were inexpedient, and recommended the indefinite postponement of the same.

Which report was adopted.

Mr. Strain, from the standing committee on education, to whom was referred the bill to be entitled "an act to amend the law in relation to estrays, on leave, reported a substitute for the same with same title.

Mr. Birney moved to reject the bill substituted.

Mr. Simmons called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bateman, Brown of Johnson, Floyd, Miller, Robertson, Simpson—6.

The members voting in the negative, are

Messrs. Alston, Bertrand, Bankhead, Blakemore, Burke, Berry, Bil-

lingsly, Blackwell, Birney, Brown of Sevier, Cross, Cromwell, Cook, Croft, Culver, Clark of Independence, Clark, of Green, Dawdy, Davis, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hodges, Hays, Hughes, Hynson, Logan, Lambert, Mayers, Marshall, McCoy, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust, Russell, Sanders, Scott, Simmons, Smith, Steele, Strain, Stubblefield, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—58.

So the report was not rejected.

When the substitute was adopted.

Mr. Trapnall, from the committee on internal improvement to whom was committed the petition of sundry citizens of Saline county asking for an appropriation to improve Saline river, on leave, reported against the granting of the request of said petition.

Also reported favorably to the memorial to the Congress of the United States, asking an appropriation for the completion of the military road from Memphis Tennessee to Little Rock, Arkansas.

Also, on leave, reported a bill as substitute to two bills committed to said committee on the subject of amending the law concerning roads and overseers thereof, pursuant to instructions of a resolution calling upon said committee to report by bill entitled "an act to amend the law in relation to roads and Highways."

Which was adopted.

Mr. Rust, from the committee to whom was referred the bill entitled "an act concerning roads and highways, and to place resident and non-resident land holders on an equality," on leave, reported the same back to the House without amendment.

Mr. Hays, of the committee to whom was referred the petition of sundry citizens of Pope county, and also sundry citizens of Conway county, on leave, reported by bill entitled "an act to define the line of Pope county," which was read a first time.

Mr. Berry, from the committee to whom was committed the petition of Pleasant M. Johnson, sheriff and collector of Madison county, on leave, reported by bill entitled "an act for the relief of Pleasant M. Johnson, sheriff of the county of Madison, which was read a first time.

Mr. Greenwood, from the select committee to whom was referred the memorial of Samuel D. Blackburn, on leave, reported by bill entitled "an act to require the county of Scott to reconvey certain lands donated to said county for a county seat at Booneville, which was read a first time.

On motion of Mr. Floyd, Mr. Owens was added to the standing committee on the judiciary.

Mr. Marshall offered:

Whereas, it is the opinion of this House, that we should adjourn *sine die* at as early day as practicable: therefore, *be it resolved*, that no new bill be introduced in this House after the 20th of December inst.

Which was read and laid on the table til to-morrow.

On leave, Mr. Simmons introduced a bill entitled "an act to repeal the 14th section of the 128th chapter of the revised code, which was read a first time.

On motion of Mr. Rust, the orders of the day were taken up.

The bill entitled "an act to define the duties of witnesses and for other purposes, was taken up and read a third time and passed, and was sent to the Senate for their assent.

The resolution of Mr. Rust, of yesterday, relative to the petition of the Hon. A. H. Sevier, was taken up, when

Mr. Collins mooted the point of order, suggesting that the same matter, in form similar, had been acted upon by this House on a previous day, during the present session, and therefore, the introduction of said resolution was not in order.

The chair decided that although a similar resolution had been acted upon heretofore, it was then associated with other matter, and features of which the present resolution is divested, therefore, the resolution was in order.

When Mr. Collins appealed from the decision of the chair.

When the House sustained the chair, and confirmed the decision.

On motion of Mr. Mayers, the House adjourned.

SATURDAY MORNING, 9 o'clock, Dec. 14th, 1844.

The House met pursuant to adjournment.

On motion of Mr. Shipp, leave of absence was granted Mr. Wells, on account of illness.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Trapnall, from the committee on internal improvements, to whom was referred the bill entitled an act to sink a well upon the salt lands in the county of Van Buren, on leave, reported the bill back to the House by substitute.

Which was adopted.

Mr. Fowler, from the committee on the judiciary, to whom was referred the petition of Samuel Gray and Catharine Gray, relative to the property and heirs of Lewis Davis, deceased, of Hempstead county, on leave, reported that from the evidence and knowledge of facts, the committee were unable to decide as to the propriety of the request, and asked leave to be released from further consideration with the subject.

Also the bill referred to the same committee entitled an act to amend an act entitled an act to regulate the fees and salaries of officers, on

leave, reported that the committee on the judiciary recommend the indefinite postponement of the same.

Mr. Trapnall moved to reject the report.

Mr. Steel called for the ayes and noes.

The members voting in the affirmative are,*

Messrs. Bankhead, Booker, Brown of Sevier, Collins, Dawdy, Davis, Garner, Gray, Hays, Hughes, Mayers, McCoy, Smith, Trapnall, Ward—15.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Brown of Johnson, Cross, Cromwell, Cook, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Floyd, Fowler, Foster, Franks, Greenwood, Hubbard, Hammond, Hall, Hynson, Logan, Lambert, Marshall, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Steel, Strain, Stubblefield, Tackett, Wilson of Johnson, Wilson of Washington, Mr. Speaker—57.

So the report was not rejected.

On motion of Mr. Bankhead, the petition of Samuel Gray and Catharine Gray was recommitted to a select committee of three, consisting of Messrs. Bankhead, Booker and Dorris.

Mr. Greenwood from the committee on enrolments, on leave reported correctly enrolled, "an act to change the time of holding general elections in this State; also "an act concerning the law of limitations."

Reports from select committees were in order.

Mr. Smith, from the select committee to whom was referred the petition of Sarah Johnson and William Johnson, concerning the Estate of James Johnson deceased, on leave reported by bill, entitled "an act for the relief of the heirs and legal representatives of James Johnson deceased."

Which was read a first time.

Mr. Mayers from the committee to whom was referred the petition of sundry citizens of Fort Smith of Crawford county on leave, reported by bill entitled "an act to incorporate Fort Smith academy."

Which was read a first time.

On leave, Mr. Fowler introduced a bill entitled "an act to authorize the guardian of the minor heirs of John H. McElfrish deceased to sell lands."

Which was read a first time.

Mr. Culver, presented a petition to the United States Congress, concerning the adjustments of Indian difficulties between the "old treaty party," of the Cherokees and the "Ross party."

Which was read a first time.

Mr. Ward on leave, introduced a bill entitled "an act to affiliate Jane Green and John Thomas Barrington as heirs of John C. Bowen."

Was read a first time.

On motion of Mr. Wilson of Washington, Mr. Simmons was added to the committee on Internal Improvements.

On motion of Mr. Berry, Mr. Hynson was added to the committee on public buildings.

Mr. Blacwell of St. Francis offered :

Resolved, That this House shall hold evening sessions, from this time until they adjourn, *sine die*.

Which was read and lost.

On motion of Mr. Floyd, the orders of the day were taken up.

The resolution of Mr. Rust, on the report of the petition of the Hon. A. H. Sevier, was taken up and read and

Mr. Clark of Carroll called for the nays and noes.

The members voting in the affirmative are,

Messrs. Bankhead, Blakemore, Berry, Billingsly, Blackwell, Booker, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Croft, Culver, Clark of Independence, Clark of Green, Dorriss, Floyd, Franks, Greenwood, Garner, Hammond, Hall, Hays, Hynson, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Rust, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steel, Strain, Stubblefield, Sutton, Tackett, Wilson of Johnson, Wilson of Washington, Mr. Speaker.—46.

The members voting in the negative are,

Messrs. Alston, Bertrand, Burke, Collins, Clark of Carroll, Davis, Fowler, Gray, Hubbard, Lambert, Olive, Owens, Parks, Physick, Riggs, Russell, Trapnall—17.

So the resolution was adopted and sent to the Senate for their assent.

The bill of the Senate, entitled “an act to repeal a part of the act entitled an act prescribing the time of holding courts in the several judicial circuits, and for other purposes” was taken up,

And read a third time and passed, and sent to the Senate for their assent.

The bill of the House entitled “an act to authorize the Secretary of State to appoint a deputy,” was taken up and read a third time and passed, and sent to the Senate for their assent.

The bill of the House, entitled “an act for the relief of John C. Bowen, sheriff of Mississippi county,”

Was taken up and read a third time and passed.

The bill of the House, entitled “an act for the relief of E. B. Alston administrator of A. Sinclair, late sheriff of Johnson county, was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the Senate, entitled “an act supplementary to an act to survey and mark out the northern boundary line of this State,” was taken up and read a third time, and returned to the Senate with an amendment.

The memorial to Congress asking for an appropriation of \$100,000 to complete the road from Memphis to Little Rock, was taken up and read and on motion of Mr. Greenwood, was referred to a committee of five consisting of Messrs. Greenwood, Fowler Riggs, Hall and Ward.

The bill of the House concerning resident and non-resident landholders was taken up and read,

And on motion of Mr. Bertrand, was referred to a committee consisting of Messrs. Bertrand, Fowler, and Rust.

The bill of the House entitled an act to authorize the sheriff elect of Franklin county to collect the arrearages of taxes in said county, and for other purposes, was taken up and read a third time and passed, and was sent to the Senate for their assent.

On motion of Mr. Fowler, the bills on their second readings were taken up.

The bill to survey and mark out a road from Little Rock to Fort Smith, on the south side of the river Arkansas, was taken up and read a second time.

On motion of Mr. Scott, the bill was referred to a select committee consisting of Messrs. Scott, Fowler, Mayers, Floyd and Blackwell.

The memorial to the Congress of the United States concerning the sunken lands in the northeastern part of the State, was taken up and read a second time, and referred to the committee on internal improvement.

The bill of the House entitled an act to prescribe the duty of county court clerk, was taken up and read a second time.

On motion of Mr. Owens, was ordered engrossed for Tuesday next.

The bill to repeal the 20th and 21st sections of the 39th chapter of the revised statutes, was read a second time.

Mr. Greenwood moved to lay the bill on the table till the 4th of March next, and called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Berry, Billingsly, Blackwell, Booker, Brown of Johnson, Brown of Sevier, Cook, Collins, Clark of Carroll, Dorris, Duval, Floyd, Fowler, Franks, Greenwood, Hubbard, Hall, Hays, Marshall, McCoy, Parks, Robertson, Sanders, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Tackett, Trapnall, Wilson of Johnson, Wilson of Washington—37.

The members voting in the negative are,

Messrs. Burke, Cross, Cromwell, Croft, Culver, Clark of Independence, Clark of Green, Dawdy, Davis, Foster, Garner, Gray, Hammond, Logan, Lambert, Mayers, Miller, Mitchell, Olive, Owens, Phisick, Riggs, Rust, Russell, Scott, Simmons, Sutton, Ward, Mr. Speaker—29.

So the bill was laid on the table.

On motion of Mr. Brown of Johnson, the House adjourned.

MONDAY MORNING, 9 o'clock, *Dec. 16th*, 1844.

The House met pursuant to adjournment.

A message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed “an act for the relief of James B. Jackson ;”

Also, “an act to change the time of holding the probate and county county courts in Randolph county.”

All of which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House entitled “an act to change the time of holding the probate courts in the counties of Washington, Benton, Madison, Johnson, Hempstead and Lawrence ;”

Also, “an act to incorporate the Little Rock bridge company,” with two amendments.

In which your honorable body is respectfully asked to concur.

All of which are herewith returned.

Petitions from counties were in order.

Mr. Hammond presented a petition from sundry citizens of Lawrence county, asking for a law authorizing the removal of the county seat from Smithville to Powhattan, in the same county.

Which was read, and referred to a select committee consisting of Messrs. Hammond, Marshall and Simpson.

When Mr. Simpson of Lawrence, presented a memorial remonstrating against the removal of the county seat of the said county.

Which was also read and referred to the same committee.

Mr. Mayers of Crawford, presented a petition from a large number of the citizens of Crawford, Johnson, Franklin and Scott counties, praying for a division of the said counties, and so to arrange the said territory of the several counties, so as to make their county seats more convenient.

Which was read, and referred to a select committee consisting of Messrs. Mayers and Duval of Crawford, Steele and Alston of Franklin, Scott of Scott, Floyd, Brown and Wilson of Johnson.

No reports from standing committees were offered.

No reports from select committees were offered.

Motions and resolutions were in order.

Mr. Bertrand offered a resolution, instructing our Senators and requesting our Representative in Congress, to use their influence with the general government, to reduce the rate of postage.

Which was read a first time.

On motion of Mr. Birney, leave of absence was granted to Mr. Clark of Carroll.

On motion of Mr. Logan, leave of absence was granted to Mr. Hays, on account of indisposition.

On motion of Mr. Cook, leave of absence was granted to Mr. Riggs.

On motion of Mr. Mayers, the roll was ordered, and several members found absent.

Who having come in, or offered a reasonable excuse through their friends, there was found a quorum present ; when the House proceeded to business.

Mr. Hodges of Searcy, pursuant to notice, introduced a bill entitled "an act to call in the scrip of Searcy county."

Which was read a first time.

When on motion of Mr. Mayers, the rules were suspended, and the bill read a second time.

On motion of Mr. Blackwell, the orders of the day were taken up.

The bill of the House to establish the circuit and county courts in the county of Montgomery, was taken up and read a third time.

Mr. Bertrand moved to postpone any action on the bill till Monday next.

Mr. Shipp called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Bateman, Cross, Cook, Croft, Collins, Duval, Dawdy, Davis, Fowler, Garner, Hall, Hynson, Logan, Lambert, Mayers, Russell, Robertson, Sanders, Strain, Trapnall, Ward, Wilson of Washington, Mr. Speaker—25.

The members voting in the negative are,

Messrs. Alston, Bankhead, Berry, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Clark of Green, Dorris, Floyd, Foster, Franks, Greenwood, Gray, Hubbard, Hammond, Hodges, Hughes, Marshall, Mitchell, Olive, Parks, Physick, Riggs, Simmons, Simpson, Shipp, Smith, Stubblefield, Tackett, Wells, Wilson of Johnson—34. So the bill was not laid on the table.

When the question recurred upon the final passage of the bill.

Mr. Bertrand called for the ayes and nays.

The members voting in the affirmative, are,

Messrs. Alston, Bankhead, Bateman, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Clark of Green, Dawdy, Davis, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hardin, Hodges, Mayers, Marshall, McCoy, Mitchell, Parks, Physick, Riggs, Rust, Robertson, Simmons, Simpson, Shipp, Smith, Strain, Stubblefield, Tackett, Wells, Wilson of Johnson, Wilson of Washington—43.

The members voting in the negative are,

Messrs. Bertrand, Burke, Cross, Croft, Collins, Dorris, Duval, Fowler, Hall, Hynson, Logan, Lambert, Russell, Sanders, Scott, Trapnall, Ward, Mr. Speaker—18.

So the bill passed, and was sent to the Senate for their assent.

On motion of Mr. Rust, the rules of the House were suspended, and the standing committee on the State bank, on leave reported with several documents of reference.

Which report was read, and will be found in the appendix of the journals.

When on motion of Mr. Bertrand, 500 copies were ordered printed.

The bill of the House entitled "an act to move the court house of Jackson county," was taken up and read a third time, and passed and was transmitted to the Senate for their assent.

The bill of the House entitled "an act to incorporate the city of

Van Buren," was taken up and read a third time and passed, and was sent to the Senate for their assent.

On motion of Mr. Fowler, the bills on their second reading were taken up.

The bill of the Senate entitled "an act to change the time of holding courts in the first judicial circuit," was taken up and read a second time.

On motion of Mr. Burke, was referred to a select committee consisting of Messrs. Burke, Collins, Ward, Hall and Croft.

The bill of the House entitled "an act for the protection of slaveholders," was taken up and read, and

On motion of Mr. Bankhead, was referred to the committee on the judiciary.

The bill of the House entitled "an act to repeal the 3d section of an act entitled an act to amend the law in relation to gaming, approved the 19th December, 1840," was taken up and read a second time, and on motion of Mr. Mayers, was referred to a committee consisting of Messrs. Mayers, Trapnall and Duval.

Mr. Trapnall offered,

Resolved, That a summons be issued against the financial receivers at the Post, Batesville and Fayetteville branches of the State bank, to appear before the joint committee of the State bank, on or before the 24th day of this month, to show what has become of the specie unaccounted for, and why a report has not been made on the subject as required by law.

Mr. Greenwood amended by adding "unless the same information can be derived from some other satisfactory source."

Mr. Hammond called for the ayes and nays.

The members voting for the affirmative are,

Messrs. Alston, Bertrand, Bateman, Burke, Berry, Billingsly, Booker, Birney, Brown of Sevier, Cross, Cook, Croft, Collins, Clark of Independence, Clark of Green, Dorris, Duval, Dawdy, Davis, Floyd, Fowler, Greenwood, Garner, Gray, Hubbard, Hardin, Hynson, Logan, Lambert, Mayers, Marshall, McCoy, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—55.

The members voting in the negative are,

Messrs. Bankhead, Blackwell, Brown of Johnson, Cromwell, Culver, Franks, Hammond, Hall, Mr. Speaker—9.

So the resolution was adopted.

The bill declaring Little Red river navigable, was read a second time and ordered engrossed.

The bill of the Senate entitled "an act declaring White river a navigable stream," was taken up and read a second time.

The bill of the House entitled "an act to define the line between Johnson and Newton counties, was taken up and read a second time.

On motion of Mr. Berry, was laid on the table indefinitely.

The bill of the House entitled "an act to regulate the duties and

fees of constables," was taken up and read and referred to the committee on the judiciary.

The bill of the House entitled "an act to repeal the 13th section of the first article of the 44th chapter of the revised statutes," was taken up and read a second time.

On motion of Mr. Bertrand, was committed to a committee of three consisting of Messrs. Bertrand, Berry and Miller.

On motion of Mr. Bertrand, the House adjourned.

TUESDAY MORNING, 9 o'clock, *Dec. 17th, 1844.*

The House met pursuant to adjournment.

Petitions from counties were in order.

Mr. Rust presented a petition from Thomas S. Woodward and Thomas Woodward, concerning improvements on the public lands in Ouachita county.

Which was read, and on motion of Mr. Rust, was referred to a committee of three, consisting of Messrs. Rust, Marshall and Billingsly.

A message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act to postpone the time for the taking effect of an act passed at the present session of the General Assembly, entitled an act to incorporate the town of Camden."

Which is herewith transmitted for the assent of your honorable body.

The Senate have assented to the bill of the House entitled "an act to amend the 2d section of an act entitled an act concerning forfeited lands, approved the 5th day of January, 1843 ;"

Also, "an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas, for the purpose of internal improvement, and to establish a land office for that purpose," with six amendments.

To which the concurrence of your honorable body is respectfully asked.

All of which are herewith returned.

The Senate have adopted a resolution making the committee on ways and means a joint committee of both Houses, and ask the House of Representatives to concur in said resolution.

The Senate have assented to the amendment of the House to the bill of the Senate entitled "an act supplementary to an act entitled an act to survey and mark out the northern boundary line of this State, approved 20th January, 1843."

Mr. Fowler from the committee on the judiciary, to whom was

committed the petition of Samuel M. Rutherford, Wm. Field, A. H. Davies and Peter T. Crutchfield, &c., as securities of John Hutt, late treasurer, on leave, reported, that said petition has been fully considered, and that upon the establishment of the facts as alleged therein, the committee are inclined to the opinion that such securities might be successfully defended at law; but as the facts are complicated, the statutes bearing upon them capable of a double construction, the acts of other officers and former legislative bodies involved, and the consideration proposed for a release but small, it is thought most advisable that there should be no legislation on the subject, leaving the whole matter to be settled by the judicial tribunals, where it properly belongs, and with whose final judgment all should be content.

Reports from select committees were in order.

Mr. Scott, from the select committee to whom was referred the bill entitled "an act to mark out and survey a road from Little Rock to Fort Smith, on the south side of the river," on leave, reported, with an amendment.

Which was adopted.

Mr. Fowler, from the committee on the judiciary, on leave, reported, the bill entitled "an act to repeal the 123d section of chapter 87, under the head of justices of the peace in the revised statutes;"

Also, "an act to authorize appeals from county courts;"

Also, "an act to change the mode of assessing taxes, and for other purposes," as inexpedient, and recommended the indefinite postponement of the same.

Which report was adopted.

Mr. Bertrand from the select committee to whom was referred the bill of the House concerning roads and highways, and to place resident land holders on an equality with non-resident land holders, on leave, reported against the passage of the bill, recommending the rejection of the bill.

Mr. Rust moved to reject the report, and called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bankhead, Blakemore, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Sevier, Cross, Cromwell, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Davis, Floyd, Foster, Franks, Garner, Gray, Hammond, Hodges, Hughes, Hynson, Logan, Mayers, Marshall, McCoy, Mitchell, Parks, Riggs, Rust, Russell, Scott, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Wells, Wilson of Johnson, Mr. Speaker—50.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bateman, Burke, Brown of Johnson, Cook, Collins, Dorris, Fowler, Greenwood, Hubbard, Hall, Lambert, Miller, Olive, Owens, Physick, Robertson, Sanders, Simmons, Ward, Wilson of Washington—22.

So the report was rejected.

On leave, Mr. Alston changed his vote from affirmative to negative.

Mr. Mayers, from the committee to whom was referred the bill entitled "an act to repeal an act to amend the law concerning gaming," on leave, reported the same back to the House with amendments.

Which were adopted.

Mr. Greenwood from the committee on enrollments, on leave, reported correctly enrolled a resolution concerning the seventy-two sections of seminary lands;

Also, "an act for the relief of Presley R. Smith, late sheriff of Washington county;"

Also, two bills for the relief of Willis S. Smith, late sheriff of Clark county;

Also, a bill entitled "an act for the relief of Reuben Persell;"

Also, "an act prescribing the time of holding the circuit courts in the 7th judicial circuit."

On motion of Mr. Collins, Messrs. Culver, Blackwell, Franks, Clark and Lambert were added to the committee on the bill to change the time of holding the circuit courts in the first judicial circuit.

On leave, Mr. Bertrand introduced a bill entitled "an act to authorize Emzy Wilson to erect a toll bridge across Point Remove creek, in Conway county."

Which was read a first time.

Mr. Culver, on leave, introduced a bill entitled "an act to appropriate \$500 for the executive office."

Which was read a first time.

Mr. Croft of Green offered,

Resolved, That a committee of seven be appointed to prepare a bill to regulate the time of holding the circuit courts for the several judicial circuits in this State, and that the said committee be instructed to report by bill or otherwise.

On motion of Mr. Greenwood, the resolution was rejected.

Mr. Sanders, on leave, introduced a bill entitled "an act to increase the per diem pay of the members and officers of the General Assembly.

Which was read a first time.

Mr. Trapnall, on leave, introduced a bill entitled "an act to exempt certain persons from disabilities."

Which was read, and on motion of Mr. Trapnall, the rules were dispensed with, and the bill read a second time.

Mr. Bertrand would amend by inserting a section repealing the duelling law.

Which was lost.

Mr. Bertrand moved the rejection of the bill, and called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bateman, Blakemore, Burke, Birney, Billingsly, Blackwell, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Croft, Collins, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Dawdy, Davis, Fowler, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hynson, Lo-

gan, Lambert, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele Strain, Stubblefield, Sumner, Sutton, Wilson of Washington—57.

The members voting in the negative are,

Messrs. Bankhead, Booker, Culver, Duval, Floyd, Foster, Hughes, Mayers, Rust, Trapnall, Ward, Wilson of Johnson, Mr. Speaker—13.

So the bill was indefinitely postponed.

Mr. Rust of Union offered,

Resolved, That the resolution offered on yesterday by the gentleman from Pulaski, requiring the Speaker to issue summons against the several financial receivers of the State branches of the State bank of the State of Arkansas, be and the same is rescinded.

Which was read, and on motion of Mr. Bertrand the ayes and nays were ordered.

The members voting in the affirmative are,

Messrs. Bankhead, Burke, Blackwell, Birney, Brown of Johnson, Cromwell, Culver, Clark of Independence, Clerk of Carroll, Clark of Green, Dorris, Floyd, Foster, Franks, Garner, Gray, Hammond, Hall, Marshall, McCoy, Mitchell, Parks, Rust, Sanders, Scott, Simpson, Steele, Sumner, Tackett, Wells, Mr. Speaker—31

The members voting in the negative are,

Messrs. Alston, Bertrand, Bateman, Blakemore, Berry, Billingsly, Booker, Brown of Sevier, Cross, Cook, Croft, Collins, Duval, Dawdy, Davis, Fowler, Hubbard, Hodges, Hughes, Hynson, Logan, gan, Lambert, Mayers, Miller, Olive, Owens, Physick, Riggs, Russell, Robertson, Simmons, Shipp, Smith, Strain, Stubblefield, Sutton, Trapnall, Ward, Wilson of Johnson, Wilson of Washington—39.

So the resolution was not rescinded.

When on motion of Mr. Rust, the action of the resolution was postponed until to-morrow.

Mr. Dawdy of Bradly, offered :

Resolved, That this House hold evening sessions from half past two until 5 o'clock P. M., each day of the present session.

Mr. Bertrand moved to lay on the table.

Mr. Blackwell called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Booker, Brown of Sevier, Cook, Dorris, Duval, Foster, Garner, Hynson, Mayers, Miller, Olive, Scott, Simmons, Trapnall—16.

The members voting in the negative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Cromwell, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dawdy, Davis, Floyd, Fowler, Franks, Greenwood, Gray, Hubbard, Hammond, Hall, Hodges, Hughes, Logan, Lambert, Marshall, McCoy, Mitchell, Owens, Parks, Physick, Riggs, Rust, Russell, Robertson, Sanders, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sut-

ton, Sumner, Tackett, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—56. So the resolution was not rejected.

Mr. Blackwell called for the previous question.

Which was sustained.

Mr. Fowler called for the yeas and nays on the adoption of the resolution.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Blakemore, Burke, Berry, Blackwell, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dawdy, Floyd, Fowler, Franks, Greenwood, Gray, Hubbard, Hammond, Hall, Logan, Lambert, Marshall, McCoy, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust, Russell, Robertson, Sanders, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—51.

The members voting in the negative are,

Messrs. Bertrand, Billingsly, Booker, Cross, Cook, Croft, Dorris, Duval, Davis, Foster, Garner, Hodges, Hughes, Hynson, Mayers, Miller, Scott, Simmons, Tackett, Trapnall—20.

So the resolution was adopted.

Mr. Rust was called to the chair.

Mr. Mayers offered :

Resolved, by this House, That no motion to adjourn shall be in order during the evening session until 8 o'clock, P. M.

Which was read, and laid on the table till to-morrow.

On leave, Mr. Fowler, from the committee on the judiciary, reported the bill of the House entitled an act regulating the duties and fees of constables," back to the House with amendment.

Which was adopted.

On leave, Mr. Bertrand, from a select committee to whom was referred the bill entitled an act to repeal the 13 section of the 1st article of 44th chapter of the revised statutes, reported by substitute.

Which was adopted.

Mr. Floyd moved to adjourn.

Mr. Bertrand called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Alston, Burke, Brown of Johnson, Brown of Sevier, Cross, Clark of Carroll, Clark of Green, Dawdy, Davis, Floyd, Mitchell, Olive, Owens, Parks, Physick, Russell, Sanders, Sumner, Trapnall, Ward Wells, Wilson of Johnson—22.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Berry, Billingsly, Blackwell, Booker, Birney, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Dorris, Duval, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hodges, Hughes, Hynson, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Riggs, Robertson, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sutton, Tackett, Wilson of Washington, Mr. Speaker—50.

So the House did not adjourn.

Mr. McCoy moved that the committee on the auditor's and treasurer's books, be excused from afternoon sessions.

Mr. Fowler would amend the motion, by adding that they shall report to-morrow.

Which was lost.

Mr. Floyd moved to adjourn till $\frac{1}{2}$ past 2.

Mr. Mayers called for the yeas and nays.

Mr. Bertrand moved the call of the House, at 35 minutes past one o'clock.

The roll was called, and the business suspended; and the absentees sent for.

At 25 minutes past 2 o'clock, the sergeant-at-arms returned with the absentees, who made their apologies, and were excused; and the business progressed.

On motion of Mr. Greenwood, the vote on the adoption of the resolution to hold afternoon sessions was reconsidered.

When the question recurred again upon the adoption of the resolution.

Mr. Bertrand called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Burke, Blackwell, Brown of Sevier, Cromwell, Collins, Culver, Clark of Carroll, Dawdy, Floyd, Fowler, Franks, Gray, Hammond, Hall, Owens, Parks, Rust, Russell, Robertson, Sanders, Shipp, Smith, Stubblefield, Ward, Wells, Wilson of Johnson—27.

The members voting in the negative are,

Messrs. Bertrand, Bateman, Blakemore, Berry, Billingsly, Booker, Birney, Brown of Johnson, Cross, Cook, Croft, Clark of Independence, Clark of Green, Dorris, Duval, Davis, Foster, Greenwood, Garner, Hubbard, Hardin, Hodges, Hughes, Hynson, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Physick, Riggs, Scott, Simmons, Simpson, Steele, Strain, Sutton, Tackett, Wilson of Washington, Mr. Speaker—43.

So the resolution was rescinded.

On motion of Mr. McCoy, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, Dec. 18th, 1844.

The House met pursuant to adjournment.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act to regulate the action of forcible entry and detainer.

Which is herewith transmitted for the assent of your honorable body.

The Senate have concurred in the preamble and resolutions of the House relative to the report of the committee to whom was referred the petition of the Hon. A. H. Sevièr.

Which is herewith returned.

Mr. Speaker presented from the auditor a response to a resolution of this House requiring him to furnish a list of the names of all persons publicly employed by the executive department of the State, showing their compensation, whether by per annum salary, per diem pay, fees, or otherwise, since the adjournment of the last legislature.

Which was read, and will be found with the accompanying documents in the appendix to the journals, and 500 copies ordered printed.

Mr. Greenwood, from the standing committee on enrolments, on leave, reported correctly enrolled an act to change the time of holding the probate court in the counties of Washington, Benton, Madison, Johnson, Hempstead and Lawrence. Also an act for the relief of Geo. W. Adams, late sheriff and collector of Poinsett county.

On leave, Mr. Dorriss introduced a bill to be entitled an act to authorize Jas. H. Caldwell, executor of the last will and testament of Charles Caldwell, deceased, to sell certain property.

Which was read a first time.

And on motion of Mr. Dorriss, the rules were suspended, and the bill was read a second time, and ordered engrossed for to-morrow.

On motion of Mr. Clark of Independence, the orders of the day were taken up.

The bill of the House entitled an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas for the purpose of internal improvement, and to establish a land office for that purpose, was taken up, and the amendments proposed by the Senate were each amended by the House, and returned to the Senate for the concurrence of the Senate to the amendments of the House to the amendments of the Senate.

The bill of the House entitled an act to incorporate the Little Rock bridge company, was taken up, and the amendments from the Senate were read and concurred in, and the bill ordered enrolled.

The bill of the House entitled an act to amend an act entitled an act to place the bank of the State of Arkansas in liquidation, approved 3d February, 1843, was taken up.

And on motion of Mr. Greenwood, the House resolved itself into a committee of the whole, Mr. Dorriss in the chair.

When, after some time spent in deliberation, the bill was reported back to the House with an amendment, by way of substitute.

Which was adopted.

On leave, Mr. Rust made a supplementary report to the bank committee's report of Saturday.

Which was read.

And on motion of Mr. Billingsly, was ordered to be printed with the report of said committee, to which this is a supplement.

On leave, Mr. Fowler, from the committee to whom was referred the petition of sundry citizens of Pulaski, Monroe and White counties, praying for a new county to be erected, reported by bill entitled an act to establish the county of Prairie.

Which was read a first time.

The bill from the Senate entitled an act for the relief of James B. Jackson, was taken up and read a first time.

And on motion of Mr. Blackwell, the rules were suspended, and the bill read a second time.

And on motion of Mr. Mayers, referred to the committee on claims.

The bill of the House entitled an act to call in the scrip of Searcy county, was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the House entitled an act to increase the duties of county court clerks in this State, was taken up and read a third time, and passed, and was sent to the Senate for their assent.

Message from the Governor by his private secretary, L. J. Reardon, Esq.:

The executive has approved and signed an act to change the time of holding the general elections in this State.

An act concerning limitations.

An act for the relief of Willis S. Smith, late sheriff of Clark county.

Another act for the relief of Willis S. Smith.

An act prescribing the time of holding the circuit courts in the 7th judicial circuit.

An act for the relief of Presly R. Smith, sheriff of Washington county.

An act to provide more effectually against the crime of adultery, and for other purposes.

An act for the relief of Reuben Persell.

And a resolution concerning the appropriation of the 72 sections of seminary lands.

On motion of Mr. Logan, the vote on the adoption of Mr. Rust's resolution rescinding the resolution of Mr. Trapnall concerning the issuing summons for the financial receivers of the branches of the State bank, was reconsidered, and the question recurred on the rescinding of Mr. Trapnall's resolution.

Mr. Bertrand called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Blakemore, Burke, Berry, Billingsly, Blackwell, Tirney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Culver, Clark of Independence, Clark of Green, Dawdy, Floyd, Foster, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hardin, Hodges, Hughes, Logan, Lambert, Marshall, Mitchell, Olive, Parks, Riggs, Rust, Russell, Robertson, Sanders, Scott, Simpson, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Wells, Wilson of Washington, Wilson of Johnson, Mr. Speaker—50.

The members voting in the negative are,

Messrs. Bertrand, Bateman, Cook, Croft, Dorris, Duval, Davis,

Fowler, Hynson, Mayers, Miller, Owens, Physick, Simmons, Shipp, Sutton, Trapnall, Ward—18.

So the resolution of Mr. Trapnall was rescinded.

The bill of the Senate declaring White river a navigable stream, was taken up and read a third time and passed, and returned to the Senate.

The bill of the House entitled an act declaring Little Red river a navigable stream, was taken up and read a third time and passed, and sent to the Senate for their assent.

Mr. Floyd was called to the chair.

The bill of the House entitled an act to punish embezzlement, was taken up, and the amendments of the Senate considered, and the amendment of the 8th line of the first section of the bill from the Senate was concurred in by the House.

The amendment of the Senate including lawyers and collectors in the provisions of this act, was read.

When Mr. Bertrand would amend the amendment of the Senate, by including commission merchants and all other agents that shall hold in their possession any moneys or property belonging to another.

Mr. Mayers would amend Mr. Bertrand's amendment, by embracing all persons acting as agents for another, and all sheriffs and collectors of public revenue failing to settle their accounts with the auditor of public accounts, as now prescribed by law, shall be considered guilty of a felony, and subject to the penalties of this act.

Mr. Croft of Green moved to lay the amendments with the bill on the table.

Mr. Scott called for the yeas and nays.

The members voting in the affirmative, are,

Messrs. Brown of Johnson, Cross, Cromwell, Croft, Clark of Carroll, Clark of Green, Dorriss, Duval, Davis, Floyd, Foster, Franks, Garner, Gray, Hammond, Mayers, Miller, Mitchell, Parks, Physick, Riggs, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Steele, Stubblefield, Tackett, Trapnall, Wilson of Johnson—34.

The members voting in the negative, are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Birney, Brown of Sevier, Cook, Culver, Clark of Independence, Dawdy, Fowler, Greenwood, Hubbard, Hall, Hardin, Hodges, Hughes, Hynson, Logan, Lambert, Marshall, Olive, Owens, Rust, Russell, Smith, Strain, Sumner, Sutton, Ward, Wilson of Washington—36.

So the bill and amendments were not laid on the table.

And the question now recurred upon the amendments of the Senate as amended by the House.

Which were adopted.

When Mr. Rust would amend further.

On motion of Mr. Mayers, the House adjourned.

THURSDAY MORNING, 9 o'clock, Dec. 19th, 1844.

The House met pursuant to adjournment.

On motion of Mr. Gray, leave of absence was granted Mr. Owens on account of indisposition.

Petitions from counties were in order.

Mr. Mayers of Crawford presented a petition from sundry citizens of the counties of Crawford, Franklin, Johnson, and Scott, asking for a new subdivision of said counties, so as to form from the four counties two other counties out of the same territory.

Which was read, and referred to a select committee, consisting of Messrs. Mayers, Duval, Floyd, Alston, Steele and Scott.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed an act supplementary to an act passed at the present session of the General Assembly, fixing the time of holding the circuit courts in the fourth judicial circuit.

Also an act concerning the reports of the supreme court.

All of which are herewith submitted for the assent of your honorable body.

The Senate have assented to the bill of the House entitled an act for the relief of E. B. Alston, administrator of the estate of A. Sinclair, late sheriff of Johnson county.

Also an act to remove the court house of the county of Jackson.

Also an act to authorize the sheriff elect of Franklin county to collect the arrearages of taxes in said county, and for other purposes, with an amendment, to which the concurrence of the House of Representatives is respectfully asked.

And also an act to establish circuit and county courts in and for the county of Montgomery, and for other purposes, with an amendment, to which the concurrence of your honorable body is respectfully asked.

The Senate withhold their assent from the bill of the House of Representatives entitled an act to amend the laws of assault and battery, but have adopted a substitute therefor, to which the assent of your honorable body is respectfully asked.

The Senate have concurred in the amendments of the House to the amendments of the Senate to the bill of the House, entitled an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas for the purpose of internal improvement, and to establish a land office for that purpose.

Which is herewith returned.

Reports from standing committees were in order.

Mr. Bertrand, from the standing committee on public buildings; to whom was referred the report of the commissioner of public buildings, as communicated through the executive, on leave, reported that the committee were well satisfied that said commissioner had truly and faithfully discharged the duties of his office, recommending several appropriations for repairs of the State house, and for other purposes.

Which report was adopted.

And on motion of Mr. Bertrand, was referred to the standing committee on ways and means.

Reports from select committees were in order.

Mr. Rust, from the select committee to whom was referred the petition of Messrs. Woodward, concerning the purchase of lands, &c., on leave, reported by bill entitled an act for the relief of Thomas S. Woodward, and Thomas Woodward.

Mr. Greenwood from the select committee to whom was referred the memorial to Congress concerning the completion of the Memphis road, on leave, reported by substitute.

Which was adopted.

On motion of Mr. Greenwood, the business on the Speaker's table was taken up.

The bill of the House entitled an act to punish embezzlement, with the amendment of Mr. Rust, was read.

Mr. Floyd moved to lay the amendments and bill on the table indefinitely.

Mr. Scott called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Bankhead, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Cross, Cromwell, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Dawdy, Floyd, Franks, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hardin, Hays, Hughes, Hynson, Logan, Lambert, Miller, Mitchell, Riggs, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington—49.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bateman, Burke, Brown of Sevier, Cook, Davis, Fowler, Foster, Hodges, Mayers, Marshall, Olive, Physick, Rust, Strain, Trapnall, Ward, Mr. Speaker—19.

So the bill was indefinitely postponed.

The bill of the House entitled an act to authorize James H. Caldwell, executor of the last will and testament of Charles Caldwell, to sell certain property, was taken up and read and passed, and was transmitted to the Senate for their assent.

The bill of the Senate entitled an act to change the time of holding the probate and county courts of Randolph county, was taken up and read a first time.

The bill of the House entitled an act to change the mode of selecting petit jurors, and provide for their compensation, was taken up and read a second time, and was referred to the committee on the judiciary.

On motion of Mr. Olive, the rules of the House were suspended.

When, on leave, he introduced a bill entitled an act concerning the surplus revenue distributed to the State of Arkansas, by the Congress of the United States, also the pay of the members of the present General Assembly.

Which was read a first time.

Mr. Marshall moved to reject.

Mr. Blackwell called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Burke, Berry, Blackwell, Birney, Brown of Johnson, Cross, Cromwell, Collins, Floyd, Garner, Hardin, Marshall, Parks, Russell, Sanders, Scott, Simmons, Simpson, Steele, Stubblefield, Wilson of Johnson, Mr. Speaker—22.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Billingsly, Booker, Brown of Sevier, Cook, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Duval, Dawdy, Davis, Fowler, Foster, Franks, Greenwood, Gray, Hubbard, Hammond, Hall, Hodges, Hays, Hughes, Hynson, Logan, Lambert, Mayers, Miller, Mitchell, Olive, Physick, Riggs, Rust, Robertson, Shipp, Smith, Strain, Sumner, Sutton, Tackett, Trapnall, Ward, Wells—48.

So the bill was not rejected.

When on motion of Mr. Olive, the rules were again suspended, and the bill read a second time.

On motion of Mr. Booker, was referred to a select committee consisting of Messrs. Olive, Booker, Mayers, Fowler and Sutton.

The bill of the House entitled "an act for the benefit of the heirs and legal representatives of John Lenox, deceased," was taken up and read a second time, and

On motion of Mr. Sutton, was ordered engrossed for to-morrow.

The memorial to Congress, concerning the Hot Springs in Arkansas, was taken up and read a second time, and

On motion of Mr. Mayers, was referred to a committee consisting of Messrs. Mayers, Booker and Bankhead.

The bill of the House entitled "an act for the relief of Nancy Gaines," was taken up and read a second time, and made the orders for Saturday.

The resolution of the Senate, in favor of the re-annexation of Texas, was taken up and read a first time.

The bill of the House entitled "an act in relation to imprisonment in civil cases," was taken up and read, and

On motion of Mr. Mayers, was laid on the table indefinitely.

The memorial to the Congress of the United States, concerning certain mail routes in this State, was taken up and the amendments of the Senate concurred in and passed.

The bill of the House entitled "an act relating to taxation of property," was read a second time, and

On motion of Mr. Blackwell, was referred to the committee on the judiciary.

The bill of the House to repeal a certain portion of the 4th chapter of the revised statutes, under the head of administration, was taken up and read a second time, and

On motion of Mr. Miller, was referred to the committee on the judiciary.

The bill of the House entitled "an act to exempt the Mount Holly cemetery from taxation," was taken up and read a second time, and

On motion of Mr. Trapnall, was ordered engrossed for Monday next.

The Senate's memorial to Congress, asking for an appropriation for the erection of levees along the banks of the Arkansas and Mississippi rivers, was read a first time, and

On motion of Mr. Collins, the rules were suspended, and the memorial read a second time, and

On motion of Mr. Collins, was referred to a select committee consisting of Messrs, Collins, Ward, Garner, Sutton, Culver, Cross and Burke.

The bill of the House entitled "an act to prevent betting on elections," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act to amend the law concerning the destruction of wolves," was taken up and read a second time,

And on motion of Mr. Riggs, was committed to a committee consisting of Messrs. Riggs, Collins and Bateman.

The bill of the House entitled "an act authorizing the sale of certain property belonging to the estate of William Gilchrist," was taken up and read a second time, and

On motion of Mr. Scott, was referred to the committee on the judiciary.

The bill entitled "an act to regulate the fees of clerk of the supreme court," was read a second time, and

On motion of Mr. Floyd was made the orders of the day for Saturday next.

The bill of the House entitled "an act to prevent fire hunting in the night time," was taken up and read, and

On motion of Mr. Dawdy, was referred to a committee consisting of Messrs Dawdy, Clark of Green and Blackwell.

The bill of the House entitled "an act for the relief of Pleasant M. Johnson, sheriff of Madison county," was taken up and read a second time, and

On motion of Mr. Hays, was referred to a committee consisting of Messrs. Hays, Berry and Clark of Independence.

The bill of the Senate entitled "an act for the benefit of Wm. Black," was taken up and read a second time.

The bill of the Senate entitled "an act to legalize the marriage of David Castlebury, and for other purposes," was taken up and read,

And on motion of Mr. Bertrand, the rules were suspended, and the bill read a second time.

On motion of Mr. Logan, the bill was committed to a select committee consisting of Messrs. Logan, Olive and Hodges.

The bill of the Senate for the relief of Ebenezer Frazier, &c., was taken up and read a first time.

The bill of the House entitled "an act to annex more territory to Green and Poinsett counties," was taken up and read, and

On motion of Mr. Croft, referred to a committee consisting of Messrs. Croft, Hall, Ward, Hynson and Clark of Green.

The bill of the Senate entitled "an act regulating the poll books for *viva voce* or ballot system of voting," was taken up and read.

The bill of the House entitled "an act to authorize Miller Irvin, administrator, &c., to sell certain property," was taken up and read a first time.

On motion of Mr. Gray, the House adjourned.

FRIDAY MORNING, 9 o'clock, December 20th, 1844.

The House met pursuant to adjournment.

On motion of Mr. Lambert, leave of absence was granted Mr. Franks, on account of indisposition.

Petitions from counties were in order.

Mr. Sutton presented the petition from sundry citizens of Chicot county, asking to be joined to the county of Dallas.

Which was read and referred to a committee on counties and county lines.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act for the relief of Conway county.

Which is herewith transmitted for the assent of the House of Representatives.

Mr. Speaker presented a petition from D. F. Shall, begging that compensation be allowed him for making a map of the counties of the State.

On motion of Mr. Greenwood, was referred to the committee on ways and means.

Reports from standing committees were in order.

Mr. Sutton, from the committee to whom was referred the bill entitled "an act for the relief of James B. Jackson," on leave, reported the bill back to the House without amendment.

Mr. Croft, from the committee on counties and county lines, who by resolution of this House, were instructed to have made a plat or map of the several counties of this State, with the county lines defined, according to the several acts prescribing the same, also pointing out the principal water courses, townships and range lines; also, the number of square miles in each county, on leave, reported that the said committee had employed the services of Mr. D. F. Shall.

Which was read and laid on the table.

Mr. Mayers, from the committee to whom was referred the memorial to Congress concerning the Hot Springs in the State of Arkansas, on leave, reported the same back to the House with an amendment.

Which was adopted.

Mr. Burke, from the select committee to whom was referred the bill changing in part the time of holding the circuit courts of the first judicial circuit, on leave reported by amendment.

Which was adopted.

When Mr. Croft made a minority report.

Which was lost.

Mr. McCoy, from the committee to whom was referred the resolution concerning the burning of several of the State bonds, on leave, reported by bill entitled "an act to consume by fire all the unsold bonds of the State."

Which was read a first time.

Mr. Bankhead, from the select committee to whom was referred the petition of Samuel Grey and Kathrine Grey, concerning the estate of Lewis Davis, on leave, reported by bill entitled "an act to authorize Samuel Grey to become the guardian of the infant heirs of Lewis Davis, deceased."

Which was read, and on motion of Mr. Booker, was rejected.

On motion of Mr. Mayers, the Washington county delegation was added to the committee to whom was referred the petition of the citizens of the county of Crawford, Franklin, Johnson and Scott.

On motion of Mr. Greenwood, the orders of the day were taken up.

Mr. Trapnall was called to the chair.

The bill entitled "an act for the relief of the heirs of John Lenox, deceased," was taken up and read a third time, and Mr. Greenwood called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Berry, Blackwell, Booker, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Croft, Clark of Independence, Clark of Carroll, Dawdy, Foster, Garner, Gray, Hammond, Hall, Hardin, Hynson, Logan, Lambert, Mayers, McCoy, Mitchell, Physick, Riggs, Rust, Scott, Simmons, Shipp, Smith, Strain, Sumner, Sutton, Trapnall, Ward, Wilson of Johnson, Wilson of Washington, Mr. Speaker—43.

The members voting in the negative are,

Messrs. Bertrand, Burke, Birney, Collins, Culver, Clark of Green, Dorris, Davis, Floyd, Fowler, Greenwood, Hubbard, Hodges, Hays, Marshall, Miller, Olive, Owens, Parks, Russell, Robertson, Sanders, Simpson, Steele, Stubblefield, Tackett—26.

So the bill passed and was transmitted to the Senate for their assent.

On leave, Mr. Rust changed his vote from affirmative to negative.

On leave, Mr. Culver changed his vote from negative to affirmative.

Mr. Greenwood, from the committee on enrolments, on leave, reported correctly enrolled, the bill entitled "an act to regulate the sale and price of the 500,000 acres of land donated to the State of Arkansas for internal improvements, and to establish a land office for that purpose."

The bill of the House for the relief of Thomas S. Woodward and Thomas Woodward, was taken up and read a second time, and ordered engrossed for Monday.

The bill of the Senate entitled "an act to authorize Miller Irvin, administrator of several estates, to sell certain property," was taken up and read, and

On motion of Mr. Culver, was referred to a select committee consisting of Messrs. Culver, Burke and Collins.

On motion of Mr. Brown of Sevier, the rules of the House were suspended, when he, on leave, introduced a resolution concerning the salt springs in Sevier county.

Which was read and referred to the committee on internal improvements.

The bill of the House entitled "an act to establish the county of Prairie," was taken up and read a second time, and

On motion of Mr. Lambert, was referred to a committee consisting of Messrs. Lambert, Fowler, Cook, Bertrand and Cross.

The bill of the House entitled "an act for the relief of Samuel Adams," was taken up and the substitute offered by the Senate was disagreed to, and

On motion of Mr. Floyd, the bill was committed to a committee of conference, consisting of Messrs. Floyd, Simmons, Wilson of Johnson, Hall and Smith.

The bill entitled "an act to change the time of holding the probate court in the county of Randolph," was taken up and read a second time.

The bill entitled "an act for the relief of Ebenezer Frazier, sheriff of Miller county," was read a second time, and

On motion of Mr. Fowler, was laid on the table till Texas shall be annexed.

The bill entitled "an act for the relief of William Black," was taken up and read a second time, and

On motion of Mr. Scott, was referred to a committee consisting of Messrs. Scott, Marshall and Hammond.

The memorial to Congress concerning an appropriation of 100,000 dollars to complete the road from Memphis to Little Rock and Fort Smith, was taken up and read a second time, and amended by Mr. Mayers.

The bill of the House concerning assault and battery, was taken up and the substitute of the Senate was read and disagreed to, and

On motion of Mr. Scott, a committee of conference was appointed on part of the House, consisting of Messrs. Fowler, Scott, Robertson, Bertrand and Berry.

Message from the Governor by his private secretary, L. J. Reardon, esq.:

The executive has approved and signed "an act to change the time of holding the probate courts in the counties of Washington, Benton, Madison, Johnson, Hempstead, Lawrence;"

Also, "an act for the relief of Geo. W. Adams, late sheriff of Poinsett county;"

Also, "an act to regulate the price and sale of the 500,000 acres of

land, and for the purpose of the establishment of a land office at Little Rock."

The bill of the House entitled "an act to repeal a part of the law prescribing the power and duties of the mayor and aldermen of the city of Little Rock," was taken up and read a second time.

On motion of Mr. Fowler, was referred to a committee consisting of Messrs. Fowler, Trapnall and Bertrand.

The memorial concerning postage of letters, was read a second time.

The bill of the Senate to confirm the marriage of Augustus F. Odle and Lucy Ann Lewis, minors, was taken up and read a first time, and

On motion of Mr. Culver, the rules were suspended, and the bill read a second time, and

On motion of Mr. Culver, was committed to a committee consisting of Messrs. Culver, Collins and Rust.

The bill of the House entitled "an act to authorize John C. Bowen to affiliate Rebecca Jane Green and Thomas Barrington," was taken up and read a second time.

The bill of the House to divorce the State and Real Estate banks, was taken up and read a second time, and

On motion of Mr. Trapnall, was ordered engrossed for Tuesday next.

The bill of the Senate prescribing an easy way of collecting debts, was taken up and read a first time.

On motion of Mr. Riggs, the House adjourned.

SATURDAY MORNING, 9 o'clock, Dec. 21st, 1844.

The House met pursuant to adjournment.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act supplementary to an act to distribute the revised statutes of Arkansas, among the several counties in this State."

And also, "an act supplementary to two several acts relating to the penitentiary, approved 18th Dec. 1838, and 19th Dec. 1840."

Which are herewith submitted for the assent of the House of Representatives.

The Senate have adopted a resolution to go into the election of public land agent on to-day, at 12 o'clock, m., to which the concurrence of your honorable body is respectfully asked.

The Senate have adopted the report of the joint standing committee on the auditor's and treasurer's books.

On motion of Mr. Culver, leave of absence was granted to Mr. Tackett on account of illness.

Petitions were in order.

None were offered.

Reports from standing committees were in order.

Mr. Wilson of Washington, from the standing committee on the auditor's and treasurer's books, on leave, reported, which report was adopted, and

On motion of Mr. Mayers, 500 copies were ordered printed, and will be found in the appendix to the journals.

Mr. Fowler, from the committee on the judiciary, on leave reported the bill entitled "an act to authorize the sale of certain property belonging to the estate of William Gilchrist, deceased," with an amendment, which was adopted.

Also, a bill entitled "an act relating to the taxation of property," recommending its indefinite postponement.

Mr. Sanders moved to reject the report of the committee, and called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Berry, Blackwell, Birney, Brown of Johnson, Clark of Independence, Clark of Carroll, Clark of Green, Hodges, Marshall, Miller, Sanders, Steele, Sumner—13.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Billingsly, Booker, Brown of Sevier, Cross, Cromwell, Cook, Croft, Collins, Culver, Dorris, Davis, Floyd, Fowler, Foster, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hays, Hughes, Hynson, Logan, Lambert, Mayers, McCoy, Mitchell, Olive, Owens, Parks, Physick, Riggs, Russell, Robertson, Scott, Simmons, Simpson, Shipp, Smith, Strain, Stubblefield, Sutton, Trapnall, Ward, Wells, Wilson of Washington, Wilson of Johnson, Mr. Speaker—55.

So the report was not rejected.

When the question recurred on the adoption of the report, which was adopted.

Also, "an act to repeal certain portions of the fourth chapter of the revised statutes on administration," recommending its indefinite postponement.

Which report was adopted.

Also, the indefinite postponement of a bill entitled "an act to change the mode of selecting petit jurors."

Mr. Floyd moved the rejection of the report.

Mr. Brown of Johnson, called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Burke, Cook, Clark of Independence, Davis, Floyd, Garner, Hardin, Hynson, Logan, Miller, Mitchell, Olive, Russell, Steele, Sumner, Sutton, Wilson of Johnson—19.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Croft, Collins, Culver, Clark of Carroll, Clark of Green, Dorris, Dawdy, Fowler Franks, Greenwood, Gray, Hubbard, Hammond, Hall, Hodges, Hughes, Lambert, Mayers, Marshall, Owens, Parks, Physick, Riggs, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Strain, Stubblefield, Trapnall, Ward, Wells, Wilson of Washington, Mr. Speaker—50.

So the report was not rejected.

The question now recurred on the adoption of the report, which was adopted.

On leave, Mr. Brown of Johnson changed his vote from the negative to the affirmative.

The committee on the judiciary also recommend the indefinite postponement of a bill entitled "an act to protect slaveholders."

Mr. Bankhead moved to reject the report.

Which motion was lost and the report was adopted.

The committee on the judiciary also recommend the indefinite postponement of the several proposed amendments to the constitution of this State, relative to the ratio of representation.

Mr. Russell called for the ayes and nays on the adoption of the report.

The members voting in the affirmative are, Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Cook, Culver, Clark of Independence, Clark, of Carroll, Clark of Green, Dorris, Duval, Dawdy, Davis, Fowler, Franks, Greenwood, Garner, Hubbard, Hall, Hynson, Lambert, Mayers, Marshall, McCoy, Miller, Olive, Owens, Parks, Physick, Riggs, Sanders, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Trapnall, Ward, Wells, Wilson of Washington, Wilson of Johnson, Mr. Speaker—54.

The members voting in the negative are,

Messrs. Alston, Cromwell, Floyd, Gray, Hammond, Hodges, Hays, Logan, Mitchell, Russell, Robertson—11.

So the report was adopted.

Mr. Logan, from the select committee to whom was referred "an act legalizing the marriage of David Castleberry," on leave reported the same back to this House, recommending its indefinite postponement.

Mr. Olive moved to reject the report.

Mr. Logan called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Blackwell, Brown of Johnson, Croft, Dorris, Duval, Floyd, Garner, Hynson, Mayers, Olive, Robertson, Mr. Speaker—13.

The members voting in the negative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Booker, Birney, Brown of Sevier, Cross, Cromwell, Cook, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of

Green, Dawdy, Davis, Fowler, Franks, Greenwood, Gray, Hubbard, Hammond, Hall, Hardin, Hodges, Hays, Hughes, Logan, Lambert, Marshall, McCoy, Miller, Mitchell, Owens, Parks, Physick, Riggs, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Trapnall, Ward, Wells, Wilson, of Johnson, Wilson of Washington—58.

So the report was not rejected.

The question now recurred upon the adoption of the report, and it was adopted.

Mr. Olive, from the select committee to whom was referred the bill entitled "an act concerning the surplus revenue and the payment of the members of the present Legislature," on leave reported an amendment which was adopted, and

On motion of Mr. Bertrand, 100 copies were ordered printed and the bill made the order of the day for Monday next in committee of the whole.

Mr. Riggs, from the committee to whom was referred the bill entitled "an act to amend the law concerning the destruction of wolves," on leave reported by substitute,

When on motion of Mr. Trapnall, further action on the bill was postponed til Monday.

The resolution of the Senate to go into an election of land agent, this day, at 12 m., was taken up and read and adopted, and the Senate informed thereof.

On motion of Mr. Mayers, the House took a recess for fifteen minutes.

12 o'clock.

The Senate now appeared in the Hall of Representatives, and were seated with its officers within the bar of the House. When Mr. Speaker read the resolution calling the convention of the two Houses.

Mr. Speaker now announced that nominations were in order for land agent.

Mr. Mayers of the House nominated Lambert J. Reardon.

No further nominations were made.

The roll of each House was called, and Mr. Reardon received the unanimous vote of the Senate, 24 votes.

In the House of Representatives, he received 68 votes, two scattering votes only, making 72 joint votes.

When Mr. Speaker proclaimed that Mr. L. J. Reardon had received the unanimous vote of the two Houses, and was duly elected land agent for the term prescribed by law.

When the Senate withdrew.

Mr. Speaker presented to the House a communication from his excellency, Thomas S. Drew, with documents accompanying, relating to the defalcation of John Hutt, late treasurer of the State of Arkansas.

Which was read, and

On motion of Mr. Duval, was referred to a committee consisting of Messrs. Duval, Greenwood, Trapnall, Floyd and Dorris.

Mr. Lambert from the select committee to whom was committed the bill entitled "an act to erect the county of Prairie," on leave reported the same back to the House with an amendment.

Which was adopted.

Mr. Hays from the select committee to whom was committed the bill entitled "an act for the relief of Pleasant M. Johnson," on leave reported an amendment, which was adopted.

Mr. Hodges of Searcy, offered :

Resolved, That no new business shall be introduced in this House after the 25th of this month, until the business on the Speakers table be disposed of."

Which was read, and

Mr. Marshall offered a substitute :

Resolved, That no new bill be introduced in this House after the 24th inst., and that this General Assembly adjourn *sine die* on the first day of January, 1845, and that the Senate be asked to concur herein.

Which was read and both laid on the table till to-morrow.

On motion of Mr. Marshall, the House adjourned.

MONDAY MORNING, 9 o'clock, December 23d, 1844.

The House met pursuant to adjournment.

Message from the Senate by the secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a memorial to the Congress of the United States, asking an appropriation of \$150,000 for the removal of the raft in Red river.

Also an act to amend an act to place the bank of the State of Arkansas in liquidation, approved 3d February, 1843.

Which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House entitled an act to call in the scrip of Searcy county.

Which is herewith returned.

On motion of Mr. Gray, leave of absence was granted to Mr. Owens, on account of indisposition.

Petitions from counties were in order.

Mr. Sutton presented a petition from Samuel H. Hempstead, bank attorney, remonstrating against some allegations made by the bank committee in their report on the State bank and branches, and explanatory of his conduct as such attorney.

Also a document accompanying, relating to the retention of \$2,900 by Mr. Crease, cashier, as alleged in the said report, signed by Messrs. C. P. Bertrand, Henry F. Pendleton, J. M. Weayer, S. H. Hempstead, and P. T. Crutchfield, directors of the bank of the State of Arkansas at Little Rock.

Which were read by Mr. Sutton.

And on motion of Mr. Sutton, were laid on the table until to-morrow, and will be taken up with the bank report.

Mr. Franks of St. Francis presented a petition for the relief of Benjamin Davis, Onah Davis, Fred. Davis, and John Davis.

Which were read, and referred to a select committee, consisting of Messrs. Franks, Blackwell, Stubblefield, and Birney.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have adopted the following resolution, to-wit:

Resolved, That the the committee on the auditor's and treasurer's books cause the proper entries to be made in the books of said auditor and treasurer, showing the result of the settlement and examination by them made; and that said committee, in the presence of said auditor and treasurer, burn the bonds of the State paid and taken up, which had been given for money borrowed of the State bank and branches, and also the scrip of the Territory and State of Arkansas, paid and redeemed during the last two years, and that the House of Representatives be requested to concur herein.

Which is herewith transmitted for the concurrence of the House of Representatives.

Mr. Mayers, from the committee on the Real Estate bank, on leave, reported, with accompanying documens.

Which was read, and 500 copies ordered printed.

And on motion of Mr. Bankhead, made the orders of the day for Friday next.

Mr. Greenwood, from the committee on enrolments; on leave, reported correctly enrolled an act to incorporate the Little Rock bridge company. Also, an act for the relief of E. B. Alston, administrator of A. Sinclair, late sheriff of Johnson county. Also an act to authorize the sheriff elect of Franklin county to collect the arrearages of taxes in said county. Also, an act to amend the 2d section of an act entitled an act concerning forfeited lands. Also, an act to remove the court-house in Jackson county.

Mr. Logan, from the committee on ways and means, on leave, reported back to the House the report of the standing committee on public buildings, to whom had been referred the report of the com-

missioners of public buildings, recommending certain appropriations for the repairs, &c., of said public buildings and property, recommending that no appropriations for repairs, should be made, owing to the limited means of the State treasury.

Also, on leave, reported the memorial of Messrs. Shall and Brearly, asking for a claim of \$100 for services rendered in furnishing information to the standing committee on counties and county lines; and also the report of said committee upon the same subject, suggesting but that one-half of the sum demanded should be allowed.

When, on motion of Mr. Mayers, the report and memorial and accompanying report was recommitted to a select committee, consisting of Messrs. Mayers, Bertrand, Trapnall, Logan, and Greenwood.

Also the letter of Fred. Huth and Co. and the memorial to the General Assembly of Fred. Huth and Co. and others, as contained in the communication from his excellency the Governor, asking to be excused from further consideration, as they are unable to suggest any measure for their benefit.

Mr. Russel, from the committee to whom was committed the bill entitled an act to define a portion of the line between Pulaski county and those of Saline and Perry counties, on leave, reported adverse to the bill, and recommending the indefinite postponement of the same.

Mr. Bertrand moved to reject the report.

Which was lost.

Mr. Bertrand called for the yeas and nays on the adoption of the report.

The members voting in the affirmative are,

Messrs. Alston, Blakemore, Berry, Billingsly, Birney, Cromwell, Croft, Clark of Carroll, Clark of Green, Dawdy, Davis, Floyd, Foster, Franks, Garner, Gray, Hubbard, Hammond, Hardin, Logan, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Physick, Riggs, Russell, Scott, Simmons, Simpson, Shipp, Steele, Strain, Stubblefield, Sumner, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—41.

The members voting in the negative, are,

Messrs. Bertrand, Bankhead, Bateman, Burke, Blackwell, Booker, Brown of Johnson, Brown of Sevier, Cross, Cook, Collins, Culver, Clark of Independence, Dorris, Duval, Fowler, Greenwood, Hall, Hodges, Hughes, Hynson, Lambert, Mayers, Smith, Sutton, Trapnall, Ward—27.

So the report was adopted.

Mr. Hammond, from the committee to whom was referred the petition and also the remonstrance of sundry citizens of Lawrence county, concerning the removal of the county seat of said county from Smithville to Powhattan, on leave, reported against the petition, returning petition and remonstrance to the House without other action.

Mr. Scott, from the select committee to whom was referred the bill entitled an act for the relief of William Black, on leave, reported the same back to the House without amendment, and recommended the passage of the bill.

On motion of Mr. Floyd, the orders of the day were taken up.

And on motion of Mr. Greenwood, the House resolved itself into committee of the whole on the bill entitled an act for the collection and disbursement of the revenue of the State of Arkansas, and for other purposes, Mr. Strain in the chair.

And after some time in committee of the whole, the Speaker resumed the chair, and the chairman reported the bill back to the House with sundry amendments.

Which were adopted.

On motion of Mr. Trapnall, the bill was ordered engrossed for tomorrow.

On motion of Mr. Mayers, the House adjourned.

TUESDAY MORNING, 9 o'clock, Dec. 24th, 1844.

The House met pursuant to adjournment.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act to authorize Marrina Clark, as administratrix of the estate of William Clark, deceased, to sell the real estate belonging to said estate, and for other purposes.

Also a memorial to the Congress of the United States, requesting that a mail route be established commencing at Antoine, in Clark county, thence by Pike C. H. and Fort Towson to Fort Ouachita on Red river.

Have adopted a resolution instructing our Senators in Congress and requesting our Representative to use their influence to have a mail route established from Columbus Hempstead county, to Lanes Port in Sevier county, and that a new post office be established at John W. Munley's, and at Thomas W. Scott's in Pine Prairie, and at Lanes Port, in said county of Sevier,

Also resolutions requesting our Senators and Representatives in Congress, to use their influence to have the land system so changed as to make it the duty of the surveyor general, to have the field notes, or "discription lists," filed in the office of the clerk of the circuit court in the several counties in this State, instead of the office of the Registers of the Land Offices,

Which are herewith transmitted for the assent and concurrence of the House of Representatives.

The Senate have assented to the bill of the House entitled "an act declaring Little Red River navigable,"

Which is herewith returned.

Petitions were in order.

Mr. Booker presented a memorial from William Field, concerning the report of the bank committee, explanatory of his conduct in a certain transaction of said bank in conformity with instruction from the legislature of 1843.

Which was read, and referred to the committee on banks, to whom was also recommitted the bank report on the State bank and branches.

Mr. Croft, from the committee on counties and county lines, to whom was referred the petition of sundry citizens of Chicot county, asking to be attached to the county of Desha, on leave, reported by bill entitled an act to make Desha county constitutional, and for other purposes.

Which was read a first time.

Reports from standing committees were in order.

Mr. Culver, from the select committee to whom was referred the bill entitled an act to authorize Miller Irvin, administrator of several estates, to sell real estate, on leave, reported the bill back to the House without amendments.

Mr. Croft, from the select committee to whom was referred the bill to award certain territory to the county of Green and Poinsett, on leave, reported against the provisions of the bill, and moved to reject his report.

Which motion was lost.

When the motion recurred upon the adoption of the report.

Mr. Croft called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Birney Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Collins, Culver, Clark of Independence, Clark of Green, Dorriss, Dawdy, Davis, Floyd, Fowler, Foster, Franks, Greenwood, Garner, Hubbard, Hammond, Hall, Hughes, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Physick, Riggs, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—60.

The members voting in the negative are,

Messrs. Booker, Croft, Clark of Carroll, Gray—4.

So the report was adopted.

Mr. Bankhead, on leave, offered a resolution relative to some portions of the seminary lands on Red river, and requiring the Governor to give information concerning the sale of the same.

Which was read and adopted.

On motion of Mr. Greenwood, leave of absence was granted Mr. Hays, on account of indisposition.

On motion of Mr. Collins, leave of absence was granted Mr. Brown of Sevier, on account of indisposition.

Mr. Hughes gave notice that, on to-morrow, he would ask leave to introduce a bill granting a charter to John Shipp and Thomas M. Hughes, to establish a turnpike road in Montgomery and Pike counties, on the route to Fulton on Red river.

On motion of Mr. Greenwood, the orders of the day were taken up.

The resolution of the Senate instructing the committee on the auditor's and treasurer's books to have certain entries made therein, and concerning the burning the scrip, &c., was taken up and read.

And on motion of Mr. Greenwood, laid on the table indefinitely.

Mr. Wilson of Washington offered :

Resolved, That the House go into the election of auditor and treasurer on Thursday next, at 12 o'clock, and that the Senate be requested to concur herein.

Which was read, and laid on the table one day.

The bill of the House entitled an act to collect and disburse the revenue of the State of Arkansas, was taken up and read a third time.

And Mr. Mayers called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Alston, Booker, Croft, Clark of Independence, Clark of Green, Duval, Dawdy, Davis, Foster, Franks, Greenwood, Gray, Hubbard, Hammond, Hughes, Hynson, Lambert, Mayers, McCoy, Miller, Mitchell, Olive, Physick, Riggs, Russell, Shipp, Steele, Sumner, Sutton, Wells—30.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Cross, Cromwell, Cook, Collins, Culver, Clark of Carroll, Dorris, Floyd, Fowler, Garner, Hall, Logan, Marshall, Parks, Sanders, Scott, Simmons, Simpson, Smith, Strain, Stubblefield, Trapnall, Ward, Wilson of Johnson, Wilson of Washington, Mr. Speaker—37.

So the bill was not passed.

On motion of Mr. Mayers, the House was called at half-past 11 o'clock, and Messrs. Hodges and Robertson were noted absent, and the sergeant-at-arms was sent for them, who returned informing the House at 12 o'clock that he had officially summoned the honorable gentleman to appear before the House and shew cause, if any, why they were thus absent; but they not appearing at their seats, as summoned by the said officer of the House.

The House, pursuant to rule, fined each in the sum of their per diem, to be deducted from their pay.

Message from the Governor by his private secretary, Colonel L. J. Reardon :

His excellency has approved and signed,

An act for the relief of E. B. Alston, administrator of the estate of Abraham Sinclair, deceased.

An act to remove the court house in the county of Jackson.

An act to amend the second section of an act entitled an act concerning forfeited lands.

An act to authorize the sheriff of Franklin county to collect the arrearages of taxes in said county, and for other purposes.

An act to incorporate the Little Rock bridge company.

The bill of the House to establish the county of Dallas, was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

On motion of Mr. Billingsly, the vote on the bill concerning the collection of the revenue of the State of Arkansas, was reconsidered.

Mr. Sutton in the chair.

On motion of Mr. Booker, the bill was recommitted to a committee consisting of one from each judicial circuit—

From the 1st judicial circuit, Mr. Ward,	
do 2d do do	Mr. Dawdy,
do 3d do do	Mr. Clark of Independence,
do 4th do do	Mr. Billingsly,
do 5th do do	Mr. Fowler,
do 6th do do	Mr. Booker,
do 7th do do	Mr. Mayers.

The bill entitled an act to define the line more fully between the counties of Yell and Montgomery, was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the Senate entitled an act to change the time of holding the probate and county courts of Randolph county, was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the House entitled an act for the benefit of Mrs. Nancy Gaines, was taken up and read a third time.

And Mr. Marshall called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Blackwell, Birney, Brown of Johnson, Cross, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Green, Dorris, Duval, Dawdy, Davis, Floyd, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hammond, Hall, Hardin, Hughes, Hynson, Logan, Lamber, Mayers, McCoy, Mitchell, Olive, Physick, Russell, Sanders, Scott, Simmons, Shipp, Smith, Steele, Strain, Sumner, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—57.

The members voting in the negative are,

Messrs. Hubbard, Marshall, Parks, Riggs, Simpson, Stubblefield—6.

So the bill was passed ;

And was sent to the Senate for their assent.

The bill entitled an act to simplify proceedings before justices of the peace, and concerning mortgages, was taken up and read a third time and passed ;

And was sent to the Senate for their assent.

The bill of the House entitled an act authorizing the sale of certain property belonging to the estate of William Gilchrist, deceased, and for other purposes, was taken up and read a third time and passed ;

And was sent to the Senate for their assent.

The bill of the House entitled an act regulating the fees and duties of constables, was taken up and read a third time and passed ;

And was sent to the Senate for their assent.
On motion of Mr. McCoy, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, *Dec. 25th*, 1844.

The House met pursuant to adjournment.

When Mr. Trapnall arose from his seat, and in an elegant and appropriate manner, asked the House to suspend all business for this day, it being a day consecrated all over the Christian and civilized world.

Which was assented to by the House, and business suspended until to-morrow, 9 o'clock.

THURSDAY MORNING, 9 o'clock, *Dec. 26th*, 1844.

The House met pursuant to adjournment.

Petitions from counties were in order.

Mr. Gray presented a petition from sundry citizens of Arkadelphia, asking that this legislature pass an act chartering the town of Arkadelphia.

Which was read, and referred to a committee consisting of Messrs. Gray, Cromwell, and Clark of Carroll.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House entitled an act to incorporate the town of Van Buren.

Which is herewith returned.

Mr. Culver, from the select committee to whom was referred the bill to ratify and confirm the marriage of Augustus Odle and Lucy Ann Lewis, minors, on leave, reported the bill back without amendment.

Mr. Franks, from the committee to whom was referred the petition of John Davis and others, on leave, reported the same back by bill entitled an act for the relief of John Davis and others.

Which was read a first time.

Mr. Ward, from the committee to whom was referred the bill to disburse the revenue of the State of Arkansas, on leave, reported the bill back to the House with sundry amendments.

Which were adopted.

Mr. Fowler called for the yeas and nays, on the adoption of the amendment to the 3d section, by striking out all after the word "in" in the 16th line, and insert in lieu thereof the following :

"In all cases be for the entire amount of the claim then due, payable to the claimant or his order, and shall be receivable in payment of debts due to the said bank."

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Blakemore, Burke, Berry, Billingsly, Booker, Birney, Brown of Johnson, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Dawdy, Davis, Floyd, Fowler, Foster, Franks, Greenwood, Gray, Hammond, Hall, Hardin, Hodges, Hughes, Hynson, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Parks, Riggs, Russell, Robertson, Simpson, Shipp, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Ward, Wells, Wilson of Washington, Wilson of Johnson, Mr. Speaker—57.

The members voting in the negative are,

Messrs. Alston, Bateman, Cross, Garner, Hubbard, Olive, Physick, Scott, Simmons, Smith—10.

So the amendment was adopted.

Mr. Mayers, from the select committee to whom was referred the claim of Messrs. Shall and Brearly, for services rendered the committee on counties and county lines, on leave, reported by bill entitled an act to pay Messrs. Shall and Brearly for services rendered the committee on counties and county lines.

Which was read a first time.

Mr. Collins, from the select committee to whom was referred the memorial of this General Assembly to the Congress of the United States, concerning levys and embankments along the Mississippi and Arkansas rivers, on leave, reported the same back without amendment.

Mr. Greenwood asked for leave of absence for Mr. Blackwell.

Mr. Bertrand called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Cromwell, Collins, Clark of Carroll, Dorris, Dawdy, Greenwood, Gray, Hubbard, Hall, Marshall, Olive, Physick, Scott, Simpson, Steele, Ward, Mr. Speaker—17.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Booker, Berry, Billingsly, Burke, Birney, Brown of Johnson, Cross, Cook, Croft, Culver, Clark of Independence, Clark of Green, Davis, Floyd, Fowler, Foster, Franks, Garner, Hammond, Hardin, Hodges, Hughes, Hynson, Logan, Lambert, Mayers, McCoy, Miller, Mitchell, Parks, Riggs, Russell, Robertson, Sanders, Simmons, Shipp, Smith, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Wells, Wilson of Johnson, Wilson of Washington—51.

On motion of Mr. Greenwood, the bill of the Senate entitled an act to amend an act placing the bank of the State of Arkansas in liquida-

tion, approved the 3d of February, 1843, was taken up and read a first time.

And on motion of Mr. Greenwood, the rules were suspended and the bill read a second time, and was committed to a committee of seven, consisting of Messrs. Greenwood, Bertrand, Dorris, Clark of Independence, Hammond, Dawdy, and Floyd.

Mr. Collins offered the following:

Resolved, That the use of the hall of the House of Representatives be given to the masonic fraternity, on to-morrow at 2 o'clock, p. m., for the purpose of celebrating the anniversary of St. John the Evangelist.

Which was adopted.

Mr. Dawdy gave notice that, on to-morrow, he would ask leave to introduce a bill to be entitled an act to secure the property of married women.

Pursuant to notice, Mr. Hughes introduced a bill entitled an act authorizing John Shipp and Thomas M. Hughes, of Pike and Montgomery counties, to build a turnpike road.

Which was read a first time.

And on motion of Mr. Trapnall, the rules were suspended, and the bill was read a second time and referred to Messrs. Trapnall, Physick, Bankhead, Booker and Hughes.

The resolution of yesterday, to go into the election of auditor and treasurer on this day, was taken up and read, and Mr. Floyd amended, by striking out Thursday, and inserting Saturday next at 12 o'clock, when the resolution as amended, was adopted, and the Senate informed thereof by message.

On motion of Mr. Floyd, the orders of the day were taken up.

The first on the orders of the day:

The bill entitled "an act for the relief of Thomas S. Woodward," was taken up and read a third time and passed, and sent to the Senate for their assent.

The bill entitled "an act to amend the law in relation to billiard tables and ten-pin alleys, was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act to locate a road from Little Rock to Fort Smith, on the south side of the river," was taken up and read a third time, and

Mr. Wilson of Washington, called for the ayes and nays on the passage.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bankhead, Burke, Booker, Cook, Collins, Culver, Duval, Davis, Floyd, Fowler, Foster, Garner, Hodges, Hughes, Hynson, McCoy, Parks, Russell, Scott, Shipp Steele, Trapnall, Ward, Mr. Speaker—27.

The members voting in the negative are,

Messrs. Bateman, Blakemore, Berry, Billingsly, Birney, Brown of Johnson, Cross, Cromwell, Croft, Clark of Carroll, Clark of Green, Dawdy, Franks, Greenwood, Gray, Hubbard, Hammond, Hall, Har-

din, Logan, Lambert, Mayers, Marshall, Miller, Mitchell, Olive, Physick, Riggs, Robertson, Sanders, Simmons, Simpson, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington—40.

So the bill was lost.

When on motion of Mr. Mayers, the vote on the bill was reconsidered, and recommitted to a committee of five, consisting of Messrs. Trapnall, Scott, Brown of Johnson, Mayers and Strain.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following preamble and resolution:

Whereas, the clerk of the House of Representatives, in delivering a message to the Senate this morning, treated the president *pro-tem* with seeming disrespect:

Be it therefore resolved, That the House be informed that no further message will be received by the Senate from the House of Representatives carried by the present clerk of that House, until an explanation of his conduct is made.

Which was read, and the clerk was called upon by the House to make the explanation demanded by the Senate.

When the clerk stated that if the Senate were aggrieved by any seeming want of courtesy on his part, in carrying messages, and particularly the one alluded to, he was not aware in what it consisted; that at no time, either in the capacity of an officer of the House of Representatives, had he ever intentionally conducted himself discourteously to that honorable body, the Senate, or as an individual, either in the House or out of the House, had he been guilty of any intentional disrespect to either its honorable members or its officers, and particularly to the honorable gentleman, judge Trimble of Hempstead county, he never having any occasion, but to treat him with attention and respect due and proper, to the high station of the honorable gentleman, whether demanded or not—whether in the Senate chamber or in the streets, or public places. And that on this occasion, owing to some accidental irregularity in the reception of the message on the part of the Senate, he found himself confused and awkwardly situated in the delivery of the same, not knowing whether the message could then be received or not, or whether the Senate were then in committee of the whole or not, and therefore, if there was any seeming want of courtesy, it originated from accident, and not design.

When Mr. Mayers offered:

Resolved, That this House entertain undiminished confidence in the honor, integrity, and probity of character of Stephen S. Tucker, principal clerk of the House of Representatives, in his official and social capacity.

Which was unanimously adopted.

On leave, Mr. Bertrand introduced a bill entitled an act for the relief of James B. Masters," which was read a first time.

The bill entitled "an act for the destruction of wolves," which was read a third time and

On motion of Mr. Greenwood, laid on the table indefinitely.

The bill of the House entitled "an act to amend the road law," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act for the relief of William Black," was read a third time and passed, and was returned to the Senate.

On motion of Mr. Clark of Carroll, the House adjourned.

FRIDAY MORNING, 9 o'clock, *Dec. 27th*, 1844.

The House met pursuant to adjournment.

A message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act to establish circuit courts in the county of Polk."

Also, "an act to to authorize Wm. F. Moore, to erect and keep a toll bridge across the stream known as Big creek."

Which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House entitled "an act to authorize the Secretary of State to appoint a deputy," with an amendment, to which the concurrence of your honorable body is respectfully asked.

Also, "an act to define the duties of witnesses, and for other purposes," which are herewith returned.

On leave, Mr. Olive changed his vote from affirmative to negative, on granting leave of absence to Mr. Blackwell, on yesterday.

Petitions from counties were in order.

Mr. Davis presented a petition from sundry citizens of Montgomery county, praying that they may be attached to Saline county, where they originally belonged.

Which was read, and on motion of Mr. Davis was referred to the standing committee on counties and county lines.

Reports from standing committees were in order.

Mr. Croft from the standing committee on counties and county lines, on leave, reported back to the House, the petition of Mr. Richard McCallister and others, asking to be detached from Perry county and attached to the county of Yell, recommending that the prayer of of said petitioner should not be granted.

Which was read and adopted.

Mr. Rust from the standing committee on banks, on leave, reported back to the House, the former report of the same committee, with several amendments, which amendments were adopted.

And on motion of Mr. Bertrand, the action on the report was postponed till to-morrow.

Mr. Sutton, from the committee to whom was referred the memorial of William Field, relative to the \$1,000 which he claims for services to the bank in going to New York, &c., on leave, reported, that the money paid him, over and above \$500 was without any legal authority whatever.

Which was read, and further action upon the same was postponed until to-morrow.

Mr. Trapnall, from the committee on internal improvement, to whom was referred the resolution concerning the salt lands in Sevier county, on leave, reported the same back to the House with several amendments, which were adopted.

And also, two bills entitled "an act to repeal an act authorizing a geological survey of this State," on leave, reported that the committee were equally divided upon the propriety of the provisions of the bills, and therefore, were excused from further consideration of the same.

Mr. Bateman, from the committee to whom was committed the resolution raising a committee of five, with instructions to examine into the condition of the penitentiary, its management, discipline and treatment of the convicts, &c., on leave, reported in commendation of all matters relating thereto, which was read.

And on motion of Mr. Mayers, was recommitted, with instructions to report by bill.

Mr. Trapnall, from the committee to whom was referred the bill to grant a charter to John Shipp and Thomas M. Hughes, to construct a turnpike road, on leave, reported the same back without amendment.

Message from the Senate by the secretary.

Mr. Speaker, I am instructed to inform your honorable body, that the Senate have adopted the following resolution:

Resolved, That the Senate accept the written explanation made by S. S. Tucker, clerk of the House of Representatives, as a full and satisfactory explanation from said clerk, and that the business of the Houses proceed as heretofore.

And the House of Representatives be informed hereof.

Mr. Speaker presented a communication from his excellency, Thomas S. Drew, Governor, with documents from the war department of the United States, which was read and referred to a select committee consisting of five, as follows, Messrs. Mayers, Wilson of Washington, Simmons, Burke and Greenwood, with instructions to report by bill.

Mr. Speaker also presented a communication from his excellency, Thomas S. Drew, enclosing a communication from his excellency, J. H. Hammond, the governor of the State of South Carolina, which was read, and

On motion of Mr. McCoy, was referred to the committee on the judiciary.

Pursuant to notice, Mr. Dawdy introduced a bill entitled "an act

to secure the property of married women."

Which was read a first time.

Mr. Greenwood offered:

Resolved, That the secretary of State be authorized to deliver to A. Wallace his memorial and other papers presented to the last Legislature by the Hon. A. G. Mayers.

Which was read and adopted.

Mr. Mayers offered:

Resolved, That the committee on education, be requested to report to this House on to-morrow, any amendments or alteration they may in their wisdom think proper to make, in order that the House may take such action as they may deem proper, and for the better perfection of a system of common schools in the State of Arkansas.

Which was read and adopted.

On motion of Mr. Clark, of Carroll, the orders of the day were taken up.

The report of the committee on the Real Estate bank was taken up and adopted.

Mr. Greenwood was called to the chair.

The bill regulating the fees of the clerk of the supreme court, was taken up and read a third time.

Mr. Hammond called for the ayes and nays on the passage of the bill.

The members voting in the affirmative, are

Messrs. Bertrand, Bankhead, Blakemore, Burke, Berry, Booker Cook, Collins, Culver, Dorris, Duval, Davis, Floyd, Fowler, Foster Franks, Greenwood, Garner, Hall, Hardin, Hodges, Hughes, Hynson, Lambert, Mayers, Physick, Russell, Robertson, Scott, Simmons, Smith, Steele, Strain, Sumner, Sutton, Trapnall, Ward, Wilson of Washington, Mr. Speaker—39.

The members voting in the negative are,

Messrs. Bateman, Billingsly, Birney, Brown of Johnson, Cross, Cromwell, Croft, Clark of Independence, Clark, of Carroll, Clark of Green, Dawdy, Gray, Hubbard Hammond, Logan, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Riggs, Sanders, Simpson, Shipp, Stubblefield, Tackett, Wells, Wilson of Johnson—30.

So the bill passed and was sent to the Senate for their assent.

The bill of the Senate for the relief of James B. Jackson, was taken up and read a third time.

Mr. Scott called for the ayes and nays on the passage of the bill.

The members voting in the affirmative are,

Messrs. Bertrand, Blakemore, Burke, Berry, Billingsly, Booker, Birney, Brown of Johnson, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Davis, Floyd, Fowler, Foster, Franks, Greenwood, Garner, Gray, Hammond, Hall, Hardin, Hodges, Hughes, Hynson, Logan, Lambert, Mayers, McCoy, Mitchell, Olive, Owens, Physick, Robertson, Sanders, Simmons, Simpson, Shipp, Smith, Steele, Strain, Sumner, Sutton, Tackett, Trapnall, Ward, Wilson of Washington—53.

The members voting in the negative, are Messrs. Alston, Bateman, Cross, Dawdy, Hubbard, Marshall, Miller, Parks, Riggs, Russell, Scott, Stubblefield, Wells, Wilson of Wash-ton—14.

So the bill was passed and returned to the Senate.

The Speaker resumed the chair.

The bill of the House for the relief of sheriffs and coroners, was taken up and read a third time and passed, and was sent to the Senate for their assent.

The memorial to Congress concerning the reduction of postage was taken up and read a third time and passed, and was sent to the Senate for their assent.

The memorial to Congress concerning the title to the Hot Springs, in Arkansas, was taken up and read a third time.

When on motion of Mr. Mayers, it was recommitted to a select committee, consisting of Messrs Mayers, Trapnall, Booker, and Bankhead.

On motion of Mr. McCoy, the House adjourned.

SATURDAY MORNING, 9 o'clock, Dec. 28th, 1844.

The House met pursuant to adjournment.

On motion of Mr. Olive, leave of absence was granted Mr. Riggs, on account of the indisposition of his family.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have appointed Messrs. Yell, Shaw, McKean, Newton and Walker, a committee to confer with Messrs. Fowler, Scott, Robertson, Bertrand and Berry, committee appointed on part of the House of Representatives, on the disagreement between the two Houses, on the bill of the House entitled "an act to amend the laws of assault and battery," and the substitute therefor of the Senate.

The Senate have passed a memorial to Congress, praying a grant of such unappropriated land in the military district in this State, as was reported "unfit for cultivation," for the use of common schools.

Which is herewith transmitted for the assent of the House of Representatives,

The Senate have assented to the bill of the House of Representatives, entitled "an act more fully to define the lines between the counties of Yell and Montgomery."

The Senate have receded from their substitute for the bill of the House entitled "an act for the relief of Samuel Adams, late Governor of the State of Arkansas," and have assented to the bill of the House with an amendment.

To which the concurrence of the House of Representatives is respectfully asked.

Which are herewith returned.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrolments, on leave, reported correctly enrolled, an act entitled "an act to call in the scrip of Searcy county ;"

Also, "an act declaring Little Red river a navigable stream."

Reports from select committees were in order.

Mr. Bateman, from the select committee to whom was recommitted the report from the same committee, who were instructed by resolution to examine into the police arrangements of the penitentiary, &c., on leave, reported with an amendment, and the report as amended was adopted.

Mr. Gray, from the select committee to whom was referred the petitions of the citizens of the town of Arkadelphia, asking for a charter incorporating the same, on leave reported by bill entitled "an act to incorporate the town of Arkadelphia, in the county of Clark."

Which was read a first time.

Mr. Simmons, from the select committee to whom was referred the petition of sundry citizens of Conway county, asking that A. W. McNamee be authorized to build and construct a turnpike road in that county, on leave, reported against the provisions of the petition.

Mr. Greenwood, from the committee to whom was referred the bill entitled "an act to amend an act placing the bank of the State of Arkansas in liquidation, approved 3d February, 1843," on leave, reported with sundry amendments.

All of which were adopted except the amendment to the 8th section by striking out \$800 and inserting \$1000, as the salary of the attorney of the principal bank.

On the adoption of which, Mr. Simmons called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bankhead, Blakemore, Booker, Birney, Collins, Culver, Dorris, Duval, Floyd, Foster, Greenwood, Garner, Gray, Hubbard, Hammond, Hodges, Hughes, Lambert, Mayers, Owens, Physick, Rust, Robertson, Smith, Steele, Strain, Trapnall, Wilson of Washington, Mr. Speaker—29.

The members voting in the negative are,

Messrs. Bertrand, Bateman, Burke, Berry, Billingsly, Brown of Johnson, Cross, Cromwell, Cook, Croft, Clark of Independence, Clark of Green, Dawdy, Davis, Fowler, Franks, Hall, Hardin, Hynson, Logan, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Russell, Sanders, Simmons, Simpson, Shipp, Stublefield, Sumner, Tackett, Ward, Wells, Wilson of Johnson—37.

So the amendment was lost.

All the amendments were adopted.

Mr. Rust offered the following:

Resolved, That after to-day, this House shall hold evening sessions from ten minutes past 2 o'clock P. M., until 5 o'clock P. M., until it adjourn *sine die*.

Which was adopted.

On motion of Mr. Culver, Mr. Trapnall was added to the committee on the bill relating to fire hunting.

On motion of Mr. Floyd, the orders of the day were taken up.

On motion of Mr. Floyd, the resolution that no new bills be introduced after the 24th of December, and that the House of Representatives adjourn after the first of January, 1845, was taken up and read.

Mr. Mayers would lay the resolution on the table.

Mr. Scott called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Billingsly, Booker, Cross, Cook, Collins, Culver, Clark of Green, Dorriss, Duval, Dawdy, Davis, Foster, Greenwood, Garner, Gray, Hughes, Hynson, Logan, Lambert, Mayers, Miller, Mitchell, Olive, Physick, Rust, Robertson, Sanders, Simmons, Simpson, Shipp, Smith, Steele, Sumner, Sutton, Tackett, Trapnall, Ward, Wilson of Washington—41.

The members voting in the negative are,

Messrs. Bankhead, Bateman, Blakemore, Burke, Berry, Birney, Brown of Johnson, Cromwell, Croft, Clark of Independence, Floyd, Fowler, Hubbard, Hammond, Hall, Hardin, Hodges, Marshall, McCoy, Owens, Parks, Russell, Scott, Strain, Stubblefield, Wells, Wilson of Johnson—25.

So the resolution was laid on the table.

The report from the standing committee on banks was taken up, and Mr. Rust moved its adoption.

Mr. Marshall called for the ayes and nays.

The members voting in the affirmative,

Messrs. Alston, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Birney, Brown of Johnson, Cromwell, Croft, Culver, Clark of Independence, Clark of Green, Dorriss, Duval, Davis, Floyd, Foster, Garner, Hubbard, Hammond, Hall, Hardin, Hodges, Hughes, Logan, Lambert, Mayers, Marshall, McCoy, Mitchell, Parks, Rust, Russell, Robertson, Sanders, Scott, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—50.

The members voting in the negative are,

Messrs. Booker, Cross, Cook, Collins, Fowler, Greenwood, Gray, Hynson, Miller, Olive, Owens, Physick, Simmons, Sutton, Trapnall, Ward—15.

So the report was adopted.

The bill entitled "an act to collect and distribute the revenue of the State of Arkansas," was taken up and read, on its final passage.

Mr. Marshall called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Burke, Berry, Billingsly, Booker, Brown of Johnson, Cook, Croft, Collins, Culver, Clark of Independence, Dorris Duval, Dawdy, Davis, Floyd, Fowler, Foster, Greenwood, Gray, Hammond, Hardin, Hodges, Hughes, Hynson, Logan, Lambert, Mayers, McCoy, Miller, Mitchell, Olive, Owens, Physick, Russell, Robertson, Shipp, Smith, Sumner, Sutton, Tackett, Ward, Wells, Wilson of Johnson, Wilson of Washington—45.

The members voting in the negative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Birney, Cross, Cromwell, Clark of Green, Garner, Hubbard, Hall, Marshall, Parks, Sanders, Scott, Simmons, Simpson, Steele, Strain, Stubblefield, Trapnall, Mr. Speaker—22.

So the bill passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act to authorize the secretary of State to appoint a deputy," was taken up and the amendment from the Senate concurred in.

On motion of Trapnall, the House adjourned.

MONDAY MORNING, 9 o'clock, 30th December, 1844.

The House met pursuant to adjournment.

A message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act to incorporate the Jennings Falls manufacturing company."

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House of Representatives entitled "an act to establish the county of Dallas."

Also, "an act to regulate the duties and fees of constables," with an amendment in which your honorable body is respectfully asked to concur.

All of which are herewith returned.

The Senate have passed "an act making appropriations for the year 1845, 1846, and part of the year 1844, and for balances due from the State, and for other purposes."

Which is herewith transmitted for the assent of the House of Representatives.

Also "an act concerning debts due or which shall be due the State."

Which is herewith transmitted for the assent of the House of Representatives.

Petitions from counties were in order.

Mr. Hays presented a petition from sundry citizens of Yell and

Pope counties, praying that a certain portion of Pope county therein described should be detached from Pope county, and attached to the county of Yell.

On motion of Mr. Hays, the petition was referred to a select committee consisting of Messrs. Hays, Simmons and Brown of Johnson.

Mr. Floyd, from the standing committee on banks, on leave, reported back to the House the memorial of Samuel H. Hempstead, in relation to certain claims of his on the State bank, to which reference had been made in the report of the bank committee, which from examination of witnesses, who were brought before this committee, the committee reported had been fully and satisfactorily explained.

To which last report, Mr. Rust dissented, as being unjust and incorrect as to fact.

Mr. Bertrand called for the ayes and nays on the adoption of the report.

The members voting in the affirmative are,

Messrs. Bertrand, Blakemore, Booker, Brown of Johnson, Brown of Sevier, Croft, Collins, Dorris, Dawdy, Davis, Floyd, Greenwood, Garner, Gray, Hammond, Hughes, Lambert, Miller, Mitchell, Owens, Physick, Robertson, Simmons, Simpson, Stubblefield, Sutton, Trapnall, Wilson of Johnson, Mr. Speaker—29.

The members voting in the negative are,

Messrs. Alston, Bankhead, Bateman, Burke, Berry, Billingsly, Birney, Cross, Cromwell, Culver, Clark of Independence, Clark of Green, Clark of Carroll, Fowler, Foster, Hubbard, Hall, Hardin, Hodges, Hays, Hynson, Logan, Mayers, Marshall, McCoy, Olive, Parks, Rust, Scott, Shipp, Smith, Steele, Strain, Sumner, Wells, Wilson of Washington—36.

So the report was not adopted.

Mr. Croft, from the committee on counties and county lines, to whom was referred the petition of sundry citizens of Marble township, in the county of Montgomery, asking to be detached from the county of Montgomery, and be attached to the county of Saline, on leave, reported by bill entitled "an act for the relief of the inhabitants of Marble township."

Which was read, and Mr. Physick moved to lay the bill on the table.

Which was lost.

Mr. Mayers, from the select committee to whom was referred the communication of the Governor, containing the communication of the Hon. Secretary of War, relative to the practice of selling and introducing whiskey among the Indians, on leave, reported by a memorial to Congress on that subject.

Which was read a first time.

Mr. Simmons, also from the same committee, on leave, reported by bill entitled "an act to prohibit the sale of spiritous liquors to Indians, and to prevent the introduction of the same within the Indian country."

Which was read, and Mr. Mayers moved to reject the bill.

Mr. Simmons called for the ayes and nays.

The members voting in the affirmative are,
Messrs. Cross, Croft, Clark of Carroll, Dorris, Duval, Dawdy, Floyd, Fowler, Foster, Franks, Garner, Gray, Hubbard, Hodges, Hays, Hynson, Logan, Lambert, Mayers, McCoy, Miller, Mitchell, Olive, Parks, Physick, Rust, Russell, Sumner, Tackett, Trapnall, Ward, Wilson of Johnson, Mr. Speaker—34.

The members voting in the negative are,
Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Birney, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Collins, Culver, Clark of Green, Davis, Hammond, Hall, Hardin, Hughes, Marshall, Owens, Robertson, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Wells, Wilson of Washington—34.

So the motion to reject was lost.

Mr. Trapnall, from the select committee to whom was referred the memorial to Congress, concerning the title to the Hot Springs, on leave, reported the same back to the House without amendment.

Mr. Dawdy, from the committee to whom was referred the bill concerning fire hunting, on leave reported the bill back to the House as inexpedient.

Which report was adopted.

Mr. Mayers, from the committee to whom was referred the petition of sundry citizens of Upper township, Crawford county, concerning the 16th section, on leave, reported by bill entitled "an act to dispose of section 16 in Upper township in Crawford county."

Which was read a first time.

Also, on leave, reported the bill entitled "an act to locate a road on the south side of the Arkansas river, from Little Rock to Fort Smith," back to the House by substitute.

Which was adopted.

Mr. Trapnall, from the committee on education, to whom was referred the petition of several citizens of Chicot county concerning the 16th section in township 15, in range 1 west, in said county, on leave, reported that the law prayed for was already provided for by other acts of former legislatures, and asked that the committee be excused.

Mr. Clark of Independence offered a resolution authorizing the Governor to appoint an attorney for the branch of the bank at Batesville.

Which was read a first time.

Mr. Collins, on leave, introduced a bill entitled "an act concerning partition of lands."

Which was read.

Mr. Floyd, on leave, introduced a bill entitled "an act to regulate the salaries of officers."

Was read, and Mr. Bertrand moved to reject the bill.

When on motion of Mr. Mayers, the House adjourned until 2 o'clock, P. M.

EVENING SESSION, 2 o'clock, P. M.

Mr. Scott offered,

Resolved, That 1000 copies of the act entitled "an act to sell and dispose of the 500,000 acres, and to establish a land office at the city of Little Rock," be ordered printed for the use of the members of this House.

Which was read and adopted.

Mr. Hammond, on leave, introduced a bill entitled "an act to provide for the relief of the members of this General Assembly."

Which was read, and on motion of Mr. Hammond, the rules were suspended, and the bill read a second time.

Mr. Culver amended by inserting three in place of two dollars, as the per diem pay of members.

Mr. Bertrand moved to lay the bill on the table till the 4th of July, 1846.

Mr. Hammond called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Burke, Berry, Billingsly, Birney, Brown of Johnson, Cross, Cook, Collins, Clark of Independence, Clark of Carroll, Dorris, Davis, Floyd, Fowler, Foster, Greenwood, Garner, Gray, Hubbard, Hall, Hardin, Hodges, Hays, Hughes, Hynson, Logan, Lambert, McCoy, Miller, Olive, Owens, Rust, Robertson, Sanders, Simmons, Shipp, Smith, Steele, Sumner, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—49.

The members voting in the negative are,

Messrs. Blakemore, Cromwell, Croft, Culver, Clark of Green, Dawdy, Hammond, Mayers, Marshall, Mitchell, Parks, Physick, Scott, Simpson, Strain, Stubblefield, Mr. Speaker—17.

So the bill was laid on the table.

On leave, Mr. Garner introduced a bill entitled "an act supplementary to an act entitled an act to amend an act to place the bank of the State of Arkansas in liquidation, approved Feb. 3d, 1843."

Which was read a first time.

Mr. Gray gave notice that on to-morrow he would introduce a bill entitled "an act to attach the county of Dallas to the 2d judicial circuit, and for other purposes."

On motion of Mr. Birney, the orders of the day were taken up.

The bill of the House entitled "an act for the relief of Samuel Adams," was taken up, and the amendment from the Senate concurred in, and the bill passed.

The bill of the House entitled "an act for the improvement of roads and highways in this State, and to place resident land holders on an equality with non-resident land holders in this State," was taken up and read a third time.

Mr. Bertrand called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Blakemore, Burke, Berry, Billingsly, Booker, Birney, Brown of Johnson, Cross, Cromwell, Croft, Collins,

Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dawdy, Floyd, Foster, Greenwood, Garner, Gray, Hammond, Hardin, Hodges, Hays, Hughes, Hynson, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Rust, Russell, Robertson, Scott, Simmons, Shipp, Smith, Steele, Trapnall, Wells, Wilson of Washington, Mr. Speaker—47.

The members voting in the negative are,

Messrs. Bertrand, Bateman, Cook, Dorris, Duval, Davis, Fowler, Hubbard, Hall, Olive, Owens, Parks, Physick, Sanders, Simpson, Strain, Stubblefield, Sumner, Sutton, Ward, Wilson of Washington—21.

So the bill passed, and was sent to the Senate for their assent.

Mr. Greenwood asked leave of absence for Mr. Franks, on account of the indisposition of his family.

Mr. Bertrand called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Booker, Cross, Cromwell, Cook, Croft, Collins, Culver, Clark of Carroll, Clark of Green, Dorris, Duval, Dawdy, Floyd, Greenwood, Gray, Hall, Hardin, Hays, Logan, Lambert, Mitchell, Olive, Physick, Russell, Sanders, Scott, Sutton, Trapnall, Ward, Wilson of Johnson, Wilson of Washington, Mr. Speaker—32.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Birney, Brown of Johnson, Clark of Independence, Davis, Fowler, Foster, Garner, Hubbard, Hammond, Hodges, Hughes, Hynson, Mayers, Marshall, McCoy, Miller, Owens, Parks, Rust, Robertson, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Wells—37. So Mr. Franks was not excused.

The bill of the House entitled "an act to amend the act approved 28th December, 1840, authorizing the sale of the seminary lands."

On motion of Mr. Rust, the bill was recommitted to a committee composed of one member from each judicial circuit, in order that the blanks in the 6th section should be filled up.

Mr. Speaker appointed Messrs. Rust, Trapnall, Strain, Collins, Clark of Independence, Duval and Sutton, such committee.

The memorial to the Congress of the United States, asking for an appropriation to complete the road from Memphis to Little Rock and Fort Smith, was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the Senate entitled "an act authorizing Miller Irvin, administrator, to sell certain real estate," was taken up and read and passed, and returned to the Senate.

The bill of the House entitled "an act to provide for sinking a salt well in Van Buren county," was taken up and read a third time.

Mr. Mayers called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Burke, Billingsly, Booker, Brown of Johnson, Cook, Croft, Collins, Culver, Duval, Dawdy, Davis, Floyd, Fowler, Foster, Greenwood, Garner, Hubbard, Hall, Hardin, Hodges, Hughes, Hynson, Lo-

gan, Lambert, Mayers, McCoy, Mitchell, Olive, Physick, Rust, Russell, Robertson, Sanders, Scott, Simmons, Shipp, Smith, Steele, Stubblefield, Trapnall, Ward, Wells, Wilson of Washington, Mr. Speaker—44.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Berry, Birney, Cross, Cromwell, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Gray, Hammond, Hays, Marshall, Miller, Owens, Parks, Simpson, Strain, Sumner, Sutton—22.

So the bill passed and was sent to the Senate for their assent.

The bill of the House entitled "an act to exempt Mount Holly cemetery from taxation," was taken up and read a third time and passed, and was transmitted to the Senate for their assent.

The bill of the House entitled "an act to establish the county of Prairie," was taken up and read a third time.

Mr. Culver moved to lay the bill on the table.

Mr. Bertrand called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bankhead, Blakemore, Berry, Billingsly, Brown of Johnson, Cross, Cromwell, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Foster, Greenwood, Garner, Hubbard, Hammond, Hall, Hardin, Hodges, Lambert, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Physick, Rust, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Wells, Wilson of Washington, Mr. Speaker—45.

The members voting in the negative are,

Messrs. Bertrand, Bateman, Burke, Cook, Croft, Collins, Dorris, Davis, Floyd, Fowler, Gray, Hays, Hughes, Hynson, Logan, Mayers, Owens, Robertson, Trapnall, Ward—20.

So the bill was laid on the table.

On motion of Mr. Cross, the House adjourned.

TUESDAY MORNING, 9 o'clock, Dec. 31st, 1844.

The House met pursuant to adjournment.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have passed a bill to be entitled "an act to correct the spelling of the names of the trustees of the male and female Spring Hill academy ;"

Also, "an act for the benefit of John F. Smith, administrator *de bonis non* of the estate of William H. Dye, and Robert H. Douglass,

executor of the last will and testament of Reuben Dye, deceased;"

Also, "an act to change the line between Washington and Benton counties;"

Also, a memorial to Congress, asking a donation of \$50,000 for removing obstructions to the navigation of Bayou Bartholomew;

And also, a preamble and joint resolutions on the subject of Oregon territory.

All of which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House entitled "an act to prevent betting on elections, and for other purposes."

Which is herewith returned.

And returned the accompanying papers endorsed on the back "an act for the relief and benefit of sheriffs and coroners," to the House of Representatives for correction.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Greenwood, from the standing committee on enrolments, on leave, reported correctly enrolled, "an act to define the duties of witnesses, and for other purposes."

On motion of Mr. Mayers, the Speaker appointed a committee of three, consisting of Messrs. Mayers, Bertrand and Booker, to investigate for what cause the Senate have returned the bill of the House entitled "an act for the relief and benefit of sheriffs and coroners," to the House for correction, and to ascertain in what the incorrectness of the bill consists.

Of which the Senate were informed by message, and a committee of conference asked.

Reports from select committees were in order.

Mr. Wilson of Washington from the select committee to whom was referred the petition of the citizens of the town of Fayetteville, asking to be exempt from working on the county roads, on leave, reported that the prayer of said petitioners is inexpedient.

Mr. Simmons, from the committee to whom was committed the several petitions from sundry citizens of Van Buren, Conway, White and Pulaski counties, concerning the erection of a new county, on leave, reported that the request in said petitions could not be at this time granted reasonably.

On motion of Mr. Fowler, leave of absence was granted to Mr. Olive, on account of indisposition.

On motion of Mr. Croft, leave of absence was granted to Mr. Hardin, on account of illness.

On motion of Mr. Trapnall, the bills on the first reading from the Senate, and the bills on their second reading of the House, were taken up.

The bill of the Senate entitled "an act to authorize the sale of all the slaves of John Magness, deceased," was taken up and read a first time.

On motion of Mr. Mayers, the rules of the House were suspended, and the bill was read a second time, and referred to the committee consisting of Messrs. Trapnall, Cook and Booker.

The bill of the Senate supplementary to an act entitled an act to establish a system of common schools, was taken up and read a first time, and

On motion of Mr. Scott the rules were suspended, and the bill was read a second time, and

On motion of Mr. Floyd, was referred to the standing committee on education.

The Senate's resolution amendatory of the constitution of the State of Arkansas, was taken up and read a first time.

The bill of the House entitled "an act for the relief of the heirs of James Johnson, deceased," was taken up and read a second time, and

On motion of Mr. Smith, was made the orders of to-morrow.

The bill of the House entitled "an act to authorize Caroline Donnell and Dempsey Foster, administratrix and administrator of the estate of Samuel Donnell, deceased, to reserve from sale certain property," was taken up and read a second time, and made the order of to-morrow.

The bill of the House entitled "an act to incorporate the Fort Smith academy," was taken up and read a second time, and made the orders for to-morrow.

The resolution concerning the Indian disturbances, was taken up and read a second time.

Mr. Bertrand moved to lay on the table.

Mr. Culver called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Burke, Booker, Brown of Sevier, Cross, Cook, Clark of Independence, Clark of Carroll, Clark of Green, Dorris, Davis, Fowler, Hall, Lambert, Marshall, Owens, Scott, Simmons, Smith, Sumner, Sutton, Trapnall, Ward, Wells, Mr. Speaker—28.

The members voting in the negative are,

Messrs. Blakemore, Berry, Billingsly, Birney, Brown of Johnson, Cromwell, Croft, Culver, Dawdy, Floyd, Foster, Greenwood, Garner, Gray, Hubbard, Hammond, Hodges, Hays, Hughes, Hynson, Logan, Mayers, McCoy, Miller, Mitchell, Parks, Physick, Rust, Russell, Robertson, Sanders, Simpson, Shipp, Steele, Strain, Stubblefield, Wilson of Johnson, Wilson of Washington—38.

So the resolution was not laid on the table.

The bill of the House entitled "an act for the relief and benefit of James B. Masters," was taken up and read a second time.

The bill of the House entitled "an act to authorize the burning of all the unsold bonds of the State," was taken up and read a second time, and made the orders of to-morrow.

The bill of the House entitled "an act to increase the per diem pay of the members and officers of the General Assembly," was taken up and read a second time.

Mr. Clark of Independence moved to lay on the table.

Mr. Wilson of Johnson called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Birney, Brown of Johnson, Cross, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark, of Green, Dawdy, Davis, Floyd, Fowler, Foster, Greenwood, Garner, Hubbard, Hammond, Hall, Hodges, Logan, Marshall, McCoy, Mitchell, Owens, Parks, Physick, Rust, Russell, Robertson, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—54.

The members voting in the negative are,

Messrs. Bertrand, Brown of Sevier, Clark of Carroll, Dorris, Gray, Hays, Hughes, Hynson, Lambert, Mayers, Miller, Sanders—12.

So the bill was laid on the table.

A message from the Governor by his private secretary, L. J. Rendon, esq:

His excellency would communicate to this House, that he has approved and signed "an act to declare Little Red river a navigable stream:"

Also, "an act to call in the scrip of Searcy county."

The bill of the Senate to authorize the administrator of Benjamin Patton, deceased, to sell the real estate of said deceased, was taken up and read a first time, and

On motion of Mr. Sutton, the rules were suspended, and the bill read a second time, and referred to a committee consisting of Messrs. Sutton, Garner and Trapnall.

The resolution of the House concerning the Spanish and Bowie land claims, was taken up and read a second time.

The bill of the House entitled "an act to authorize the guardian of the minor heirs of John H. McElfrish, deceased, to sell lands," was taken up and read a second time, and

On motion of Mr. Fowler, was referred to a committee consisting of Messrs. Fowler, Trapnall and Sutton.

The bill of the House entitled "an act to authorize Emzy Wilson to erect a bridge across Point Remove creek," was taken up and read a second time, and

On motion of Mr. Alston, was referred to a committee consisting of Messrs. Alston, Bertrand and Simmons.

The bill of the House entitled "an act to repeal the 13th section of the 1st article of the 8th division of the 44th chapter of the revised statutes, under the head of criminal jurisprudence, was taken up and read a third time, and on motion of Mr. Greenwood, was laid on the table.

The bill of the Senate entitled "an act supplementary to an act distributing the revised statutes of Arkansas," was taken up and read a first time, and

On motion of Mr. Wells, the rules were suspended, and the bill read a second time.

The memorial of the House to the Congress of the United States, asking for the establishment of Champagnolle land office and district, was taken up and read a second time.

The bill of the Senate entitled "an act declaring the Buffalo Fork of White river a navigable stream," was taken up and read a first time.

The bill of the House entitled "an act to amend the 1st section of chapter 106 of the revised statutes, was taken up and read a second time.

The bill of the Senate entitled "an act for the interchange of circuits," was taken up and read a first time, and

On motion of Mr. Mayers, the rules were suspended, and the bill read second time.

The bill of the House entitled "an act to repeal the 14th section of the 128th chapter of the revised statutes, was taken up and read a second time.

On motion of Mr. Simmons, the bill was referred to the standing committee on ways and means.

On motion of Mr. Bertrand, the House took a recess till 2 o'clock.

EVENING SESSION, 2 o'clock, P. M.

The House convened.

The bill of the Senate entitled "an act authorizing non-residents to pay taxes directly into the State treasury," was taken up and read a first time.

The bill of the Senate entitled "an act to ratify and confirm the marriage of Augustus F. Odle and Lucy Ann Lewis, minors," was taken up and read a third time and passed, and was sent to the Senate.

The bill of the Senate entitled "an act to change the time of holding the circuit courts in part of the first judicial circuit, was taken up and read a third time and passed as amended by the House, and returned to the Senate.

The bill of the House entitled "an act to authorize John C. Bowen to affiliate Rebecca Jane Green and John Thomas Barrington," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act to divorce and separate the State bank and branches from the Real Estate bank and its branches," was taken up and read a third time.

Mr. Clark of Independence moved to lay on the table, and called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Birney, Brown of Johnson, Cromwell, Collins, Culver, Clark of Independence, Dorris, Duval, Dawdy, Floyd, Fowler, Foster, Garner, Hall, Hays, Hughes, Hynson, Logan, Lambert, Mayers, McCoy, Owens, Physick, Robertson, Sanders, Simmons, Steele, Strain, Sumner, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Mr. Speaker—42.

The members voting in the negative are,

Messrs Alston, Billingsly, Booker, Brown of Sevier, Cross, Croft, Clark of Green, Davis, Greenwood, Gray, Hubbard, Hammond, Hardin, Hodges, Marshall, Miller, Mitchell, Parks, Simpson, Shipp, Scott, Smith, Stubblefield, Wilson of Washington—22.

So the bill was laid on the table.

The bill for the relief of Pleasant M. Johnson, sheriff of Madison county, was taken up and read a third time and passed, and was sent to the Senate.

The memorial concerning the titles to the Hot Springs, was taken up and read a third time and passed, and sent to the Senate.

The bill of the House, entitled "an act to authorize the opening of a road from Little Rock to Fort Smith, on the south side of the Arkansas river," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The Senate's memorial to Congress, concerning the erection of levees on the Mississippi and Arkansas rivers, and asking for an appropriation for the same, was taken up and passed, and was returned to the Senate.

The bill entitled "an act granting a charter to John Shipp and Thomas M. Hughes, to make a turnpike road, was taken up and read a third time and passed, and was sent to the Senate.

The bill of the Senate, entitled "an act to amend an act placing the bank of Arkansas in liquidation, approved 3d February, 1843, was taken up and read a third time.

Mr. Clark of Independence, would amend by adding :

Be it further enacted, That the attorneys for the branches of the bank of the State of Arkansas, shall each receive a salary of six hundred dollars per annum, the provisions of the 8th section of this act, to the contrary notwithstanding.

Mr. Floyd would amend the amendment by inserting that the attorneys of the branches, shall receive no more than four hundred dollars per annum, for all their services.

Mr. Trapnall moved to lay the amendments on the table.

Mr. Clark of Independence, called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bankhead, Blakemore, Burke, Berry, Billingsly, Birney, Brown of Johnson, Brown of Sevier, Cross, Croft, Collins, Culver, Clark of Green, Duval, Dawdy, Davis, Greenwood, Garner, Gray, Hubbard, Hodges, Hays, Hughes, Lambert, Mayers, McCoy, Miller, Mitchell, Owens, Physick, Russell, Robertson, Sanders, Scott, Simmons, Smith, Steele, Strain, Sumner, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington—48.

The members voting in the negative are.

Messrs. Alston, Bertrand, Bateman, Cromwell, Clark of Independence, Dorris, Floyd, Fowler, Logan, Marshall, Parks, Simpson, Shipp, Stubblefield, Mr. Speaker—15.

Mr. Fowler moved to commit the bill to the committee on banks, with instructions to modify the present bill, by requiring that all notes, bonds, mortgages and deeds, hereafter executed for any dues to said bank or branches, to be taken in the name of the State of Arkansas, and abolishing the office of attorney for said bank and branches, and requiring the attorneys of the State, in their proper districts, to act as attorneys for the bank, allowing them a competent salary for the same.

Mr. Trapnall moved to lay on the table.

Mr. Bertrand called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Bateman, Burke, Cromwell, Dorris, Fowler, Garner, Hynson, Logan, Lambert, Marshall, Owens, Physick, Russell, Robertson, Smith. Stubblefield, Ward, Wells, Wilson of Johnson—20.

The members voting in the negative are,

Messrs. Alston, Bankhead, Blakemore, Berry, Billingsly, Birney, Brown of Johnson, Brown of Sevier, Cross, Croft, Culver, Clark of Independence, Clark of Green, Duval, Dawdy, Davis, Floyd, Foster, Greenwood, Gray, Hubbard, Hammond, Hall, Hardin, Hodges, Hays, Mayers, McCoy, Miller, Mitchell, Parks, Sanders, Scott, Simmons, Simpson, Shipp, Steele, Strain, Sumner, Sutton, Trapnall, Wilson of Washington—42.

Mr. Brown of Sevier, would amend by adding two separate sections:

Be it further enacted, That the offices of financial receivers at the Arkansas, Batesville and Fayetteville branches of said bank, cease when this act shall go into force, and they are hereby required to turn over to the financial receiver at Little Rock, all the notes, moneys and effects of said bank, at the time this act shall go into operation, and shall take duplicate receipts therefor, one of which shall be filed with the secretary of State.

Be it further enacted, That the financial receiver at Little Rock, shall furnish the attorneys for each branch, at proper time, with a statement of all the notes of each branch, and the amount of the call and discount on each, and it shall be the duty of such attorneys to attend at least two days in each of the counties of their respective districts, for the purpose of receiving payment of such calls, and shall give notice, by writing, on the court house door of each county, three weeks previous to the day on which he shall attend.

On motion of Mr. Fowler, the amendment was rejected.

Mr. Birney called for the previous question.

Mr. Mayers called for the ayes and nays on the passage of the bill.

The members voting in the affirmative are,

Messrs Bankhead, Blakemore, Burke, Berry, Billingsly, Birney, Brown of Johnson, Brown of Sevier, Cross, Croft, Culver, Clark of

Carroll, Clark of Green, Dorris, Dawdy, Davis, Floyd, Foster, Greenwood, Garner, Gray, Hubbard, Hammond, Hodges, Hays, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Owens, Parks, Physick, Russell, Robertson, Scott, Simmons Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Trapnall, Wells, Wilson of Johnson, Wilson of Washington—51.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bateman, Cromwell, Clark of Independence, Duval, Fowler, Hall, Hynson, Lambert, Sanders, Ward, Mr. Speaker—13.

So the bill passed, and was returned to the Senate as amended by the House.

On motion of Mr. Robertson, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, Jan. 1st. 1845.

The House met pursuant to adjournment.

Message from Senate by the secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill entitled “an act to alter and change the names of Alexander Laupheimer and Samuel Laupheimer.”

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House entitled “an act to exempt the Mount Holly cemetery from taxation.”

Also, “an act for the benefit and relief of Thomas S. Woodward and Thomas Woodward, with an amendment.”

Also, an act to authorize James W. McClung and Malcomb McLeod, to sell real estate, with amendments, to which the concurrence of your honorable body is respectfully asked.

Also, a resolution to Congress on the subject of postage.

All of which are herewith returned.

On leave, Mr. Rust's vote, on the bill of the House, entitled an act to increase the per diem pay of the members and officers of this General Assembly, was recorded in the negative.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Greenwood, from the standing committee on enrolments, on leave, reported correctly enrolled, an act more fully to define the line between the counties of Yell and Montgomery.

Also, “an act to authorize the Secretary of State to appoint a deputy.”

Also, "an act to incorporate the town of Van Buren, and an act to establish the county of Dallas.

On motion of Mr. Robertson, leave of absence was granted to Mr. Hardin, on account of illness.

Reports from select committees were in order.

Mr. Mayers from the committee appointed on the part of the House to investigate for what reason, the bill entitled "an act for the benefit and relief of sheriffs and coroners," was returned from the Senate to the House without action, on leave reported that the Senate, had through their committee, received back the bill, and acknowledged that the Senate were in error, and intended no disrespect to the House, which explanation was accepted by the House and the report was adopted.

Mr. Duval, from the select committee to whom was committed, the proposition of Mr. John Hutt, late treasurer of the State of Arkansas, to appropriate certain property for the satisfaction of the State, on account of his defalcation, and asking for a release from his liabilities to the State, on leave reported, recommending the acceptance of Mr. Hutt's proposition.

When on motion of Mr. Greenwood, further action was postponed upon that subject till to-morrow.

Mr. Sutton from the committee, to whom was referred the bill entitled "an act authorizing the administrator of Benjamin Patton, to sell the real estate of said deceased," on leave, reported the bill back to the House without amendment, recommending its passage.

Mr. Rust offered a resolution instructing and requiring the Governor to appoint agents to examine and enquire into the cause of the deficiency of the specie reported to have been in the several branch banks at the time of the taking effect of the act of liquidation, which was read, and several amendments were offered.

When on motion of Mr. Greenwood, the resolution and amendments were committed to the standing committee on banks.

Pursuant to notice, Mr. Gray introduced a bill entitled "an act to attach the county of Dallas to the 2d judicial circuit, and for other purposes," which was read a first time.

And on motion of Mr. Gray, the rules of the House were suspended, and the bill read a second time.

Mr. Gray amended, by adding a separate section.

Mr. Brown of Sevier, would amend:

When on motion of Mr. Bertrand, the bill was referred to the committee on the judiciary.

Mr. Rust gave notice, that on to-morrow, he would ask leave to introduce a bill to call in, and redeem a portion of the bonds of this State.

On motion of Mr. Greenwood, the business on the Speaker's table was taken up.

The bill of the Senate entitled "an act supplementary to an act to change the time of holding the circuit courts in the 4th judicial circuit," was taken up and read a first time.

The bill of the Senate, entitled "an act supplementary to an act

establishing a system of common schools, as far as the same relates to estrays," was taken up and read a third time.

Mr. Mayers moved to lay the bill on the table.

Mr. Sanders called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Croft, Dorris, Fowler, Garner, Mayers—5.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Davis, Floyd, Foster, Greenwood, Gray, Hubbard, Hammond, Hall, Hodges, Hays, Hughes, Hynson, Logan, Lambert, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Russell Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Trapnall, Ward, Wells, Wilson of Washington, Wilson of Johnson, Mr. Speaker—63

When the question recurred upon the passage of the bill, which was carried, and the bill passed and sent to the Senate for their assent.

The bill of the Senate entitled "an act concerning the reports of the supreme court, was taken up and read a first time.

The resolution of the Senate concerning certain mail routes, was taken up and read a first time.

The Senate's memorial to the Congress of the United States, concerning the occupation of the Oregon territory, was taken up and read a first time.

The bill of the Senate supplementary to an act chartering the Spring Hill male and female academy, was taken up and read a first time.

The bill of the House entitled an act supplementary to an act for the better organization of the militia of this State, was taken up.

And on motion of Mr. Greenwood, was referred to the committee on militia.

The bill of the Senate entitled "an act for the protection of levees, was taken up and read a first time.

On motion of Mr. Brown of Sevier, the rules were suspended, and the bill read a second time.

On motion of Mr. Clark of Green, Mr. Bertrand was added to the committee on the militia.

Mr. Mayers was called to the chair.

The bill of the House entitled an act making appropriations for the executive office, was taken up and read a second time.

And on motion of Mr. Greenwood, was referred to the standing committee on ways and means.

On motion of Mr. Trapnall, Mr. Dorris was added to the select committee on the bill concerning the sale of the seminary lands.

The resolution of the Senate concerning sundry mail routes and post offices, was taken up and read a first time.

The memorial of the House, to the Congress of the United States

concerning the continuance of the Rock Roe mail route, to Elizabeth in Jackson county, was taken up and read a second time.

The memorial of the Senate to the Congress of the United States asking for a donation to remove the raft on Red river, was taken up and read a first time.

And on motion of Mr. Brown of Sevier, the rules were suspended, and the memorial read a second time.

The bill for the relief of William E. Woodruff, was taken up and read a second time.

Mr. Rust moved to lay the bill on the table indefinitely, and called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bateman, Burke, Berry, Billingsly, Birney, Brown, of Johnson, Cross, Cromwell, Cook, Clark of Carroll, Clark of Green, Dawdy, Davis, Fowler, Hubbard, Hodges, Lambert, Marshall, McCoy, Miller, Olive, Owens, Parks, Physick, Rust, Russell, Robertson, Scott, Simpson, Shipp, Stubblefield, Wells—34.

The members voting in the negative are,

Messrs. Bankhead, Blakemore, Brown of Sevier, Croft Collins Culver, Clark of Independence, Dorris, Floyd, Foster, Greenwood, Garner, Gray, Hammond, Hall, Hays, Hughes, Logan, Mayers, Mitchell, Sanders, Simmons, Smith, Steele, Strain, Sumner, Sutton, Trappall, Ward, Wilson of Johnson, Wilson of Washington, Mr. Speaker—32.

So the bill was laid on the table indefinitely.

On motion of Mr. McCoy, the House went into recess till ten minutes past 2 o'clock P. M.

Evening session, 2 o'clock, P. M.

The House convened.

Mr. Greenwood moved to suspend the rules, that he might make a motion to reconsider the vote taken upon the bill entitled "an act to establish the county of Prairie, which motion was lost,

On motion of Mr. Sumner, leave of absence was granted Mr. Sanders.

The resolution of the Senate to adjourn *sine die* on Monday next, the 6th of the present month, was taken up, and read and adopted.

The bill of the Senate making appropriation for the years 1846, 1845 and part of the year 1844, was taken up and read a first time.

And on motion of Mr. Mayers, the rules were suspended, and the bill read a second time.

On motion of Mr. Greenwood, was made the order of the day for to-morrow, in committee of the whole.

The bill of the Senate entitled an act to establish the circuit courts

in the county of Polk, was taken up and read a first time.

And on motion of Mr. Brown of Sevier, the rules were suspended, and the bill read a second time.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have amended the 1st amendment of the House made to the 2d section of the bill of the Senate entitled “an act to amend an act to place the bank of the State of Arkansas, in liquidation, approved, 3d February, 1843,” by inserting the words “or district” after the word “county” in the 2d line of said amendment.

Which is herewith submitted, for the concurrence of your honorable body,

The Senate have concurred in all the rest of the amendments of the House to said bill.

When Mr. Bertrand called for the ayes and nays on the concurrence of the House in the Senate’s amendment to the amendment of the House.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Blakemore, Berry, Billingsly, Booker, Birney, Brown of Johnson, Croft, Culver, Clark of Carroll, Clark of Green, Dawdy, Floyd, Foster, Greenwood, Garner, Gray, Hall, Hardin, Hays, Logan, Mayers, Miller, Parks, Rust, Sanders, Scott, Simmons, Simpson, Shipp, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Washington—38.

The members voting in the negative are,

Messrs. Bertrand, Bateman, Burke, Brown of Sevier, Cross, Cromwell, Cook, Collins, Clark of Independence, Dorris, Duval, Davis, Fowler, Hubbard, Hammond, Hodges, Hughes, Hynson, Lambert, Marshall, McCoy, Mitchell, Olive, Owens, Physick, Russell, Robertson, Smith, Steele, Trapnall, Ward, Wilson of Johnson—33.

So the Senate’s amendment was concurred in, and the bill returned to the Senate.

The bill of the House to authorize Caroline Donnell and Dempsey Foster, to reserve from sale certain property of Samuel Donnell deceased, was taken up and read and passed, and was sent to the Senate for their assent.

The bill of the House entitled an act for the relief of the heirs and legal representatives of James Johnson deceased, was taken up and read a third time and passed, and was sent to the Senate for their assent.

The several amendments proposed by the Senate, to the constitution of the State of Arkansas, was taken up and read a second time.

And Mr. Fowler proposed a substitute, which was adopted, and ordered engrossed for to morrow.

The bill of the Senate entitled “an act to distribute the revised statutes of Arkansas,” was taken up and read a third time and passed, and returned to the Senate.

The bill of the Senate entitled “an act authorizing non-residents to pay taxes directly into the State treasury,” was taken up and read a second time.

The bill of the House entitled "an act chartering Fort Smith academy," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The speaker laid before the House, a communication from the Hon. John Pope, late territorial Governor of Arkansas, enclosing documents concerning certain claims due him from the State of Arkansas, which was read.

And on motion of Mr. Bertrand, was referred to a committee of five on the part of the House of Representatives consisting of Messrs. Bertrand, Trapnall, Greenwood, Marshall, and Brown of Johnson, and the Senate are also asked to appoint a committee of three, upon the same subject.

The bill of the House entitled "an act to amend the 1st section of the 106th chapter of the revised statutes, was taken up and read a third time and passed and sent to the Senate for their assent.

On motion of Mr. Bertrand, the House adjourned.

THURSDAY MORNING, 9 o'clock, Jan. 2d, 1845.

The House met pursuant to adjournment.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the amendment of the House of Representatives to the bill of the Senate entitled "an act to change in part the time of holding the circuit courts in the first judicial circuit."

The Senate have assented to the bill of the House entitled an act to regulate the fees of the clerk of the supreme court," with two amendments to the 1st section.

The Senate have assented to the bill of the House entitled "an act to appropriate the whole of the common school fund to the purchase of books for common schools," with three amendments.

Also, "an act to provide for sinking a salt well in Van Buren county, with an amendment.

All of which are herewith returned, and the concurrence of your honorable body respectfully asked to said amendments.

The Senate have assented to the bill of the House entitled "an act for the relief of Pleasant M. Johnson, sheriff of Madison county."

Also, "an act to cut out a road on the South side of the Arkansas river from Little Rock to Fort Smith."

Also, "an act to grant a charter to John Shipp and Thomas M. Hughes to make a turnpike road."

Also, "an act to authorize James H. Caldwell, executor of the last will and testament of Charles Caldwell to sell certain property."

Also, a memorial to Congress asking an appropriation to complete the national road from Memphis Tennessee, to Little Rock, Arkansas.

All of which are herewith returned.

The Senate have passed a bill to be entitled "an act to allow any person to pay any part of taxes which may be due for taxes of land, and to redeem the same."

Also, "an act to declare Cadron navigable."

Also, "an act supplemental and explanatory of an act passed this session of the General Assembly, approved the 20th December, 1844," entitled an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas, for the purpose of internal improvement, and to establish a land office for that purpose."

Also, resolutions instructing our Senators in Congress and requesting our Representative, to use their influence to have old Fort Wayne reestablished on our Western frontier.

All of which are herewith transmitted for the assent of your honorable body.

The Senate have adopted a resolution to go into the election of auditor of public accounts, State treasurer, commissioner of public buildings, financial receivers, and attorneys for the bank of the State of Arkansas, and its branches, on Friday, the 3d day of January, at 2 o'clock, P. M., and the concurrence of the House of Representatives is respectfully asked thereto.

On leave, Mr. Trapnall was excused from serving on the committee appointed on the communication of Governor Pope, and Mr. Sutton was appointed in his place.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Rust, from the standing committee on banks, on leave, reported back to the House, the resolution of yesterday, authorizing the Governor to appoint agents for the examination of certain matters concerning the several branch banks of the State of Arkansas, with several amendments, which report was adopted.

Mr. Croft from the standing committee on counties and county lines, to whom was referred the petition of sundry citizens of Jackson, Poinsett and St. Francis, praying for the erection of a new county, on leave, reported that the committee deem the prayer of the petitioners impolitic at present.

Mr. Floyd, from the committee on militia, to whom was referred the bill entitled "an act supplementary to an act for the better organization of the militia of the State of Arkansas," on leave, reported by substitute."

Which was read and adopted.

Mr. Greenwood, from the standing committee on enrolments, on leave, reported correctly enrolled, the bill entitled "an act for the relief of Samuel Adams, late Governor."

And an "act to regulate the duties and fees of constables."

Mr. Strain from the standing committee on education, on leave, reported back to the House,

The bill of the Senate entitled "an act supplementary to an act to establish a system of common schools in the State of Arkansas," without amendment.

Mr. Alston, from the Select committee, to whom was referred the bill entitled "an act authorizing Emzy Wilson, to erect a toll bridge across Point Remove creek," on leave, reported with an amendment, which was adopted.

Mr. Rust, from the committee to whom was referred the bill entitled "an act to amend an act approved 28th Dec. 1840, authorizing the sale of the seminary lands," on leave reported, that in the opinion of the committee, the 6th section should be stricken out, which report was not rejected.

Mr. Hays, from the committee to whom was referred the petitions from the citizens of the counties of Pope, Yell and Conway, concerning the adjustment of the county lines of the several counties, on leave, reported that the request of the petitioners would be fully satisfied in the passage of a bill now before the House.

Mr. Simmons moved to reject the report, and called for the ayes and nays.

When a message from the Senate by the secretary cut off all other proceedings.

Mr. Speaker—I am instructed to inform your honorable body, that death, the fell destroyer of our race, has taken from amongst us, our worthy fellow citizen, the Hon. John Clark, a Senator in this General Assembly, from the counties of Chicot, Union and Bradley, and in token of respect due to his memory, the Senate have adopted the following preamble and resolutions, in which your honorable body is respectfully asked to concur.

Whereas, the Senate has just been informed of the death of the Hon. John Clark, Senator from Chicot, Union, and Bradley counties.

Resolved, That all further business be suspended for the day, and that a committee be appointed on the part of the Senate to act with such committee as shall be appointed on the part of the House, to make all necessary arrangements for the funeral of the deceased.

Resolved further, That the members of the Senate, in token of respect to the memory of the deceased, will wear the usual badge of mourning for the space of thirty days. And that the House of Representatives be informed of the passage of the foregoing resolutions.

The Senate have appointed Messrs. Newton, Trimble, Ficklin, Irvin and McKean, a committee to act with such committee as shall be appointed on the part of the House to superintend the funeral of the deceased.

Which was read.

When Mr. Fowler arose, and in a most appropriate and feeling manner, addressed the House upon the occasion, calling up reminiscences of early acquaintance with the deceased, eulogizing the honorable and gentlemanly standing of the Honorable Senator, deceased, in all of his as-

sociations; that the deceased had for many years been a member of one branch or the other of the Legislature, whilst Arkansas was yet a territory, and now, after she had been adopted a member of the Union, and moved the adoption of the resolutions of the Senate.

Which was then adopted.

On motion of Mr. Bertrand, the House ordered that each member wear crape upon the left arm for thirty days, and the speaker appointed Messrs. Fowler, Bertrand, Rust, Dawdy and Garner, a committee of arrangements to act jointly with the committee of the Senate.

Ordered that the House of Representatives as a body, attend the funeral of the Hon. deceased.

On motion of Mr. Bertrand, the House adjourned

FRIDAY MORNING, 9 o'clock, Jan. 3d, 1845.

The House met pursuant to adjournment.

On motion of Mr. Greenwood, all business was suspended until tomorrow, in respect to the memory of the Hon. John Clark, deceased, Senator from the counties of Union, Bradley and Chicot, whose funeral takes place in the Senate chamber at 10 o'clock, A. M., this day.

SATURDAY MORNING, 9 o'clock, Jan. 4th, 1845.

The House met pursuant to adjournment.

No petitions from counties were offered.

Reports from standing committees.

*Mr. Greenwood, from the committee on enrolment, on leave, reported correctly enrolled an act to authorize the cutting out of a road from Little Rock to Fort Smith, on the south side of the Arkansas river; and an act to authorize James H. Caldwell, executor of the last will and testament of Charles Caldwell, deceased, to sell certain property; also an act to prevent betting on elections; and a resolution concerning postage.

Mr. Fowler, from the select committee to whom was referred the bill entitled an act to attach the county of Dallas to the 2d judicial circuit, and for other other purposes, on leave, reported the bill back with an amendment.

Which was adopted.

Mr. Fowler, from the committee on the judiciary, on leave, reported back to the House the petition of James P. Patterson by bill, recommending its passage.

On motion of Mr. Scott, the report was rejected.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted a resolution to go into an election for auditor of public accounts, treasurer of State, financial receivers and attorneys for the principal bank of the State of Arkansas and each of the branches of said bank, commissioner of public buildings, and three inspectors of the penitentiary, at half-past two o'clock, P. M., to-day, and the concurrence of your honorable body is respectfully asked thereto.

Mr. Logan, from the standing committee on ways and means, to whom was referred the bill entitled an act making appropriation for the executive office, on leave, reported that the bill proposed provisions that were inexpedient.

Which report was adopted.

Reports from select committees were in order.

Mr. Scott, from the select committee to whom was committed the several petitions of sundry citizens of Crawford, Franklin, Scott, and Johnson counties, on leave, reported that it was inexpedient, in the opinion of that committee, to grant the prayer of said petitioners.

Mr. Mayers, moved to reject the report, and called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Alston, Blakemore, Berry, Billingsly, Birney, Brown of Johnson, Cromwell, Cook, Clark of Independence, Clark of Carroll, Clark of Green, Dawdy, Floyd, Gray, Hubbard, Hammond, Hardin, Hays, Hynson, Logan, Lambert, Marshall, Miller, Mitchell, Olive, Parks, Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Wells, Wilson of Johnson, Wilson of Washington—42.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Burke, Brown of Sevier, Cross, Croft, Collins, Duval, Fowler, Foster, Greenwood, Garner, Hodges, Mayers, McCoy, Physick, Sutton, Trapnall, Ward, Mr. Speaker—21.

So the report was not rejected.

And the question recurred upon its adoption.

And the report was adopted.

Mr. Trapnall, from the committee to whom was committed the bill entitled an act to authorize the administrator of the estate of John Magness, deceased, to sell all of the slaves belonging to said estate, on leave, reported the bill back without amendment.

Mr. Fowler, from the select committee to whom was committed the bill entitled an act to authorize the guardian of the minor heirs of John McElfrish, deceased, to sell lands, on leave, reported the bill back to the House without amendment.

Mr. Trapnall, from the committee of conference, who were appointed to confer with a committee appointed by the Senate, upon an amendment of the Senate to the bill of the House entitled an act to amend an act entitled an act to prohibit the emigration and settlement of free negroes or free persons of color into this State, approved the 20th January, 1843, on leave, reported that the House, through their committee, recede from their objection to the Senate's amendment.

Which report was adopted.

Message from the Governor by his private secretary, L. J. Reardon, esq., signifying the executive's approval and signature to the following bills :

An act to authorize the secretary of State to appoint a deputy ;

An act to define the duties of witnesses, and for other purposes ;

An act more fully to define and establish the line between the counties of Yell and Montgomery ;

An act to establish the county of Dallas ;

An act for the relief of Samuel Adams, late Governor of the State of Arkansas ;

Also an act regulating the duties and fees of constables.

The Senate's resolution to go into the election of auditor and several other State officers, this day at half-past two o'clock, was taken up and read.

And Mr. Logan amended by adding—

And that the resolution adopted by both Houses of this General Assembly to adjourn sine die on Monday next be rescinded, and that Thursday next, the 9th of January, be fixed upon as the day when this session of the General Assembly shall finally adjourn.

When the resolution as amended was adopted, and the Senate informed by message.

On motion of Mr. Billingsly, the vote on the adoption of a substitute in the House to a proposition of the Senate to amend the constitution, was reconsidered.

The bill of the House making an appropriation of the common school fund to purchase school books, was taken up, and the amendments from the Senate were concurred in.

The bill of the House entitled an act authorizing the sinking of a salt well in the county of Van Buren, on the salt lands of the State, was taken up, and the amendment from the Senate concurred in.

The bill of the House to authorize James W. McClung and Malcomb McLeod, guardians of the minor heirs of James B. Lewis, deceased, to sell certain real estate, was taken up, and the amendments from the Senate were concurred in.

The bill of the House for the relief of Thomas S. Woodward and Thomas Woodward, was taken up, and the amendments of the Senate read.

And on motion of Mr. Rust, the House withheld its concurrence to the Senate's amendment, and the House asked for a committee of conference.

When Mr. Speaker appointed Messrs. Rust, Foster, and Bertrand,

such committee on part of the House, and the Senate were informed thereof by message.

On motion of Mr. Floyd, the House resolved itself into a committee of the whole upon the bill entitled an act making appropriations for the years 1846, 1845, and part of the year 1844, and for other purposes, Mr. Owens in the chair.

The committee, after being in session for some time, reported the bill back to the House, and asked leave to sit again.

On leave, Mr. Rust introduced a bill entitled an act to provide for the redemption of the State bonds, to establish a specie currency, and to relieve the people from direct taxation.

Which was read a first time.

And on motion of Mr. Mayers, the rules were suspended, and the bill read a second time, and made the special order of the day for Monday next.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the amendment of the House of Representatives to the resolution of the Senate, to go into the election of auditor of public accounts, &c., at half-past two o'clock on to-day.

Which is respectfully submitted.

Mr. Bertrand offered the following preamble and resolution :

Whereas, it is declared by the 4th section of the constitution of this State, under the head of "Duty of Governor," that no Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased, during his continuance of office, except to such office as shall be filled by the election of the people. Therefore, be it

Resolved, That it is the opinion of this House that no member of this General Assembly is constitutionally eligible to the office of attorney and receiver of the State bank of Arkansas or either of its branches.

Which was read.

And Mr. Mayers moved to lay the resolution on the table indefinitely.

Mr. Bertrand called for the yeas and nays.

When on motion of Mr. Floyd, the House went into recess until ten minutes past 2 o'clock.

EVENING SESSION, 2 O'CLOCK, P. M.

The House convened.

Message from the Senate by the secretary.

The hour having arrived appointed by resolution of both Houses to go into the election of auditor, treasurer, financial receivers and attorneys for the State bank and its branches, commissioner of public buildings, and three inspectors of the penitentiary, half-past two o'clock, P. M.

The Senate being informed by message that the House were in readiness to receive them,

The Senate and officers appeared and were seated within the bar of the House.

When Mr. Speaker announced that the two Houses of this legislature were now assembled in convention for the purpose of electing auditor of public accounts and treasurer of the State, and other State officers mentioned in the joint resolution convening the two Houses, and that nominations were in order for auditor of public accounts.

Mr. Mayers of the House nominated the Hon. Elias N. Conway of the city of Little Rock.

The rolls of the two Houses were called.

When Mr. Speaker proclaimed that Elias N. Conway had received the unanimous vote of the two Houses, and is duly elected auditor of public accounts of the State of Arkansas for the term prescribed by law.

The Speaker announced that nominations for treasurer of the State of Arkansas were in order.

When Mr. Bertrand of the House nominated the Hon. Jared C. Martin.

No further nominations were made.

The rolls of the two Houses were called, and

Mr. Speaker proclaimed that Jared C. Martin had received the unanimous vote of the two Houses of this legislature, and is duly elected treasurer of the State of Arkansas for the term prescribed by law.

Mr. Speaker then announced that nominations for financial receiver of the principal bank of the State of Arkansas at the city of Little Rock, were in order.

Mr. Floyd of the House nominated Mr. Abner E. Thornton.

Mr. Simmons of the House nominated Mr. Peter T. Crutchfield.

Mr. Blakemore of the House nominated Mr. John H. Crease.

No further nominations being made, the rolls of each House were called.

The members of the House voting for Mr. Thornton are,

Messrs. Bankhead, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Croft, Culver, Clark of Carroll, Clark of Green, Dawdy, Floyd, Foster, Gray, Hammond, Hays, Hughes, Logan, Marshall, Mitchell, Russell, Shipp, Smith, Steele, Sutton, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—30.

The members of the House voting for Mr. Crutchfield are,

Messrs. Alston, Berry, Billingsly, Birney, Duval, Greenwood, Garner, Hubbard, Hardin, Hodges, Hynson, McCoy, Miller, Olive,

Parks, Physick, Robertson, Sanders, Scott, Simmons, Simpson, Stubblefield, Sumner, Tackett—24.

The members of the House voting for Mr. Crease are,

Messrs. Bertrand, Bateman, Blakemore, Burke, Cook, Collins, Clark of Independence, Dorris, Fowler, Lambert, Mayers, Owens, Rust, Strain, Trapnall, Ward—16.

Mr. Abner E. Thornton received in the House 36 votes; in the Senate 12; making a joint vote of 42 votes.

Mr. Crutchfield received in the House 24 votes; in the Senate, 5 votes; joint vote, 29 votes.

Mr. Crease received in the House, 16 votes; in the Senate, 5 votes; making a joint vote of 21 votes.

Mr. Speaker declared that no election had been made, and the rolls were called upon the second balloting.

The members of the House voting for Mr. A. E. Thornton are,

Messrs. Bankhead, Brown of J., Brown of S., Cross, Cromwell, Croft, Culver, Clark of Carroll, Clark of Green, Dawdy, Floyd, Foster, Greenwood, Garner, Gray, Hammond, Hughes, Logan, Marshall, Miller, Mitchell, Olive, Russell, Shipp, Smith, Steele, Strain, Sutton, Tackett, Wells, Wilson of Washington, Wilson of Johnson, Mr. Speaker—34.

The members of the House voting for Mr. Peter T. Crutchfield are,

Messrs. Alston, Bateman, Berry, Billingsly, Birney, Dorris, Duval, Fowler, Hubbard, Hardin, Hodges, Hynson, Mayers, McCoy, Parks, Physick, Robertson, Sanders, Scott, Simmons, Simpson, Stubblefield, Sumner—23.

The members voting for Mr. John H. Crease are,

Messrs. Bertrand, Blakemore, Burke, Cook, Collins, Clark of Independence, Lambert, Owens, Rust, Trapnall, Ward—11.

Mr. Thornton received in the House of Rep's 34 votes; in the Senate, 14 votes; making a joint vote of 48 votes.

Mr. Crutchfield received in the House 23 votes; in the Senate 3 votes; making a joint vote of 26 votes.

Mr. Crease received in the House 11 votes; in the Senate 5 votes; making 16 joint votes.

When Mr. Speaker proclaimed that Mr. Abner E. Thornton had received a majority of all the votes polled, and is duly elected financial receiver of the bank of the State of Arkansas at Little Rock for the term prescribed by law.

Mr. Speaker now announced that nominations for attorney of the bank of the State of Arkansas at Little Rock, were in order.

Mr. Culver of the House nominated Euclid L. Johnson, Esq.

Mr. Simmons of the House nominated Lemuel R. Lincoln.

No further nominations were made.

The rolls of each House were called.

The members of the House voting for E. L. Johnson are,

Messrs. Bankhead, Blakemore, Berry, Billingsly, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Croft, Collins, Culver, Clark of Independence, Dorris, Duval, Dawdy, Floyd, Foster,

Greenwood, Garner, Gray, Hammond, Hodges, Hays, Hughes, Hynson, Logan, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Rust, Robertson, Sanders, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—53.

The members voting for Mr. Lincoln are,

Messrs. Alston, Bertrand, Bateman, Burke, Cook, Clark of Carroll, Clark of Green, Fowler, Hubbard, Hardin, Lambert, Mayers, Russell, Scott, Simmons, Trapnall—15.

Mr. Johnson received in the House 53 votes: in the Senate, 12 votes; making 65 joint votes.

Mr. Lincoln received in the House, 15 votes; in the Senate 11 votes; making 26 joint votes.

When Mr. Speaker proclaimed that Euclid L. Johnson, esq., had received a majority of all the votes, and is duly elected attorney of the principal bank of the State of Arkansas at Little Rock for the term prescribed by law.

Mr. Speaker now announced that nominations for financial receiver for the branch bank at Fayetteville, were in order.

Mr. Greenwood of the House nominated R. P. Pulliam, esq.

No further nominations being made, the rolls of each House were called.

When Mr. Speaker proclaimed that Mr. R. P. Pulliam had received the unanimous vote of the two Houses, and is duly elected financial receiver of the branch bank at Fayetteville, for the term prescribed by law.

Mr. Speaker now announced that nominations for attorney for the branch bank at Fayetteville, were in order.

Mr. Berry of the House nominated Mr. Alfred M. Wilson of Washington county.

No further nominations were made.

The roll of each House was called.

And Mr. Wilson received the unanimous vote of the two Houses.

When Mr. Speaker proclaimed that Mr. Wilson was duly elected attorney for the branch of the bank at Fayetteville, for the term prescribed by law.

Mr. Speaker now announced that nominations for financial receiver at the branch bank at Batesville, were in order.

Mr. Mitchell of the House nominated Burrell J. Wiley of Randolph county.

Mr. Gainer of the Senate nominated Wm. S. Hynson of Batesville.

Mr. Ficklin of the Senate nominated Charles B. Magruder of Batesville.

The members voting for Mr. Wiley are,

Messrs. Alston, Berry, Billingsly, Birney, Brown of Johnson, Croft, Collins, Clark of Carroll, Hubbard, Miller, Mitchell, Russell, Shipp, Stubblefield, Sumner, Wilson of Washington—16.

The members of the House voting for Mr. Hynson are,

Messrs. Bertrand, Burke, Brown of Sevier, Dorris, Duval, Fowler,

Foster, Garner, Hodges, Hays, Lambert, Olive, Owens, Physick, Robertson, Tackett, Trapnall, Ward—18.

The members of the House voting for Mr. Magruder are, Messrs. Bateman, Blakemore, Cross, Cromwell, Cook, Culver, Clark of Independence, Clark of Green, Dawdy, Floyd, Greenwood, Gray, Hammond, Hardin, Hughes, Logan, Mayers, Marshall, McCoy, Parks, Rust, Sanders, Simmons, Simpson, Smith, Steele, Strain, Wells, Wilson of Johnson, Mr. Speaker—30.

Mr. Wiley received in the House 16 votes; in the Senate, 4 votes; making 20 joint votes.

Mr. Hynson received in the House 18 votes; in the Senate, 5 votes; making 23 joint votes.

Mr. Magruder received in the House 30 votes; in the Senate 13 votes; making 43 joint votes.

No election was made.

Mr. Hynson withdrew from the canvass.

The rolls of the Houses were again called.

The members voting for Mr. Wiley are,

Messrs. Alston, Berry, Billingsly, Croft, Collins, Clark of Carroll, Duval, Fowler, Hubbard, Hodges, Hays, Hynson, Miller, Mitchell, Owens, Physick, Russell, Shipp, Stubblefield, Sumner, Tackett, Trapnall, Ward, Wilson of Washington—24.

The members of the House voting for Mr. Magruder are,

Messrs. Bertrand, Bateman, Blakemore, Burke, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Culver, Clark of Independence, Clark of Green, Dawdy, Floyd, Foster, Greenwood, Garner, Gray, Hammond, Hardin, Hughes, Logan, Lambert, Marshall, Olive, Parks, Rust, Robertson, Sanders, Simmons, Simpson, Smith, Steele, Strain, Sutton, Wells, Wilson of Johnson, Mr. Speaker—39.

Mr. Wiley received in the House 24 votes; in the Senate, 6 votes; making 30 joint votes.

Mr. Magruder received in the House 39 votes; in the Senate 16 votes; making 55 joint votes.

When Mr. Speaker proclaimed that Mr. Magruder had received a majority of all the votes polled, and was duly elected financial receiver at the branch of the bank at Batesville, for the term prescribed by law.

The Speaker now announced that nominations for attorney for the branch of the bank at Batesville, were in order.

Mr. Pelham of the Senate nominated the Hon. Isaac Baker.

No further nominations were made.

The roll of each House was called, and Mr. Baker received the unanimous vote of the two Houses.

When Mr. Speaker proclaimed that Mr. Baker had received the unanimous vote of the two Houses, and was duly elected attorney for the branch bank at Batesville, for the term prescribed by law.

The Speaker now announced that nominations for financial receiver for the branch bank at the Post of Arkansas, were in order.

Mr. Cross of the House nominated Mr. J. F. Smith.

Mr. Mayers of the House nominated Mr. Richard F. Dunn.

No further nominations were made.

The rolls of the Houses were called.

The members of the House voting for Mr. Smith are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Billingsly, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dawdy, Fowler, Foster, Garner, Gray, Hubbard, Hammond, Hardin, Hodges, Hays, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Owens, Parks, Physick, Rust, Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—57.

The members voting for Mr. Dunn are,

Messrs. Bertrand, Burke, Berry, Duval, Floyd, Greenwood, Olive, Sutton—8.

Mr. Smith received 57 votes; in the Senate 20 votes; making 77 joint votes.

Mr. Dunn received in the House 8 votes; in the Senate 2 votes; making 10 joint votes.

When Mr. Speaker proclaimed that Mr. Smith had received a majority of all the votes polled, and was duly elected financial receiver of the branch bank at Arkansas post, for the term prescribed by law.

Mr. Speaker now announced that nominations for attorney of the bank at Arkansas Post, were in order.

Mr. Floyd of the House nominated James Yell, esq.

Mr. Garner of the House nominated Mr. Isaac N. Barnett.

No further nominations were made.

The roll of each House was called.

The members voting for James Yell are,

Messrs. Berry, Brown of Johnson, Croft, Culver, Dorris, Dawdy, Floyd, Greenwood, Gray, Hammond, Hays, Logan, Lambert, Mayers, McCoy, Miller, Shipp, Steele, Sumner, Sutton, Trapnall, Wilson of Washington—22.

The members voting for Mr. Barnett are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Billingsly, Birney, Brown of Sevier, Cross, Cromwell, Cook, Collins, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Fowler, Foster, Garner, Hubbard, Hardin, Hodges, Hughes, Marshall, Mitchell, Olive, Owens, Physick, Rust, Russell, Robertson, Sanders, Simpson, Smith, Strain, Stubblefield, Tackett, Ward, Wells, Wilson of Johnson, Mr. Speaker—43.

Mr. Yell received in the House 22 votes; in the Senate 16 votes; making 38 joint votes.

Mr. Barnett received in the House 43 votes; in the Senate, 6 votes; making 49 joint votes.

When Mr. Speaker proclaimed that Mr. Barnett had received a majority of all the votes polled, and was duly elected attorney for the

branch of the bank at Arkansas Post for the term prescribed by law.

The Speaker announced that nominations for commissioner of public buildings, were in order.

Mr. Foster of the House nominated the Hon. William Triplett.

Mr. Ficklin of the Senate nominated Henry F. Pendleton.

No further nominations were made.

When the rolls of each House was called.

The members of the House voting for the Hon. Wm. Triplett are, Messrs. Alston, Bertrand, Bankhead, Bateman, Burke, Brown of Johnson, Brown of Sevier, Cross, Cook, Clark of Green, Dorris, Duval, Fowler, Foster, Garner, Hubbard, Hammond, Hardin, Hodges, Hays, Hughes, Logan, Lambert, McCoy, Miller, Olive, Owens, Parks, Physick, Russell, Robertson, Sanders, Scott, Shipp, Smith, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Ward, Wells, Wilson of Johnson, Mr. Speaker—44.

The members voting for Mr. Pendleton are,

Messrs. Blakemore, Berry, Billingsly, Cromwell, Croft, Collins, Culver, Clark of Carroll, Dawdy, Floyd, Greenwood, Gray, Mayers, Marshall, Mitchell, Simmons, Simpson, Steele, Strain, Wilson of Washington—20.

Mr. Triplett received in the House 44 votes; in the Senate, 4 votes; making 48 votes.

Mr. Pendleton received in the House 20 votes; in the Senate 17 votes; making 37 joint votes.

Mr. Speaker proclaimed that Mr. Triplett had received a majority of all the votes polled, and was duly elected commissioner of public buildings, for the term prescribed by law.

The Speaker now announced that nominations for three inspectors of the penitentiary, were in order.

Mr. Floyd of the House nominated Henry F. Pendleton.

Mr. Newton of the Senate nominated Ebenezer Walters.

Mr. Mayers of the House nominated Reuben Raynes.

Mr. Bertrand of the House nominated the Rev. W. W. Stevenson.

Mr. Trapnall of the House nominated William Triplett.

Mr. Greenwood of the House nominated Lambert Reardon.

No further nominations were made.

When the roll of each House was called.

Mr. Pendleton received 64 joint votes.

Mr. Raynes	do	9	do
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Mr. Walters,	do	37	do
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Mr. Stevenson	do	39	do
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Mr. Triplett	do	37	do
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Mr. Reardon	do	64	do
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When Mr. Speaker proclaimed that Messrs. Pendleton, Stevenson, and Reardon, had each received the majority of all the votes polled, and were duly elected inspectors of the penitentiary, for the time prescribed by law.

The Senate then withdrew.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House entitled an act to amend the 1st section of the 106th chapter of the revised statutes, under the head of "official oaths," with an amendment.

Also an act to amend the law in relation to billiard tables and ten pin alleys, with an amendment.

And also an act for the relief of the heirs and legal representatives of John Lenox, deceased, with an amendment.

All of which are herewith returned, and the concurrence of your honorable body respectfully asked to all of said amendments.

Which was read.

On motion of Mr. Bertrand, the House adjourned.

MONDAY MORNING, 9 o'clock, Jan. 6th, 1854.

The House met pursuant to adjournment.

On motion of Mr. Bertrand, leave of absence was granted Mr. Clark of Independence, on account of illness.

On motion of Mr. Olive, leave of absence was granted Mr. Olive, on account of illness.

On motion of Mr. Clark of Carroll, leave of absence was granted to Mr. Birney, on account of illness.

On motion of Mr. Culver, leave of absence was granted Mr. Hall, on account of illness.

On motion of Mr. Shipp leave of absence was granted Mr. Wells, on account of illness.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrolments, on leave, reported correctly enrolled "an act to grant a charter to John Shipp and Thomas M. Hughes, to make a turnpike road ;"

And "an act for the relief of Pleasant M. Johnson, late sheriff of Madison county ;"

Also, "an act to exempt Mount Holly cemetery from taxation."

Reports from select committees were in order.

None were offered.

Motions and resolutions were in order.

Message from the Senate by the secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act to allow the secretary of State \$200 per annum for clerk hire in his office ;"

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House of Representatives entitled "an act to incorporate the Fort Smith academy ;"

"An act for the relief of the heirs and legal representatives of James Johnson, deceased ;"

"An act to authorize Caroline Donnell and Dempsey Foster, administrators of the estate of Samuel Donnell, deceased, late of Ouachita county, to reserve from sale and keep together the personal property belonging to said estate ;"

"An act authorizing John C. Bowen to affiliate Rebecca Jane Green and John Thomas Barrington ;"

And "an act for the benefit and relief of sheriffs and coroners," with two amendments.

In which your honorable body is respectfully asked to concur.

The Senate have also concurred in the resolution of the House, authorizing the Governor to institute suit for the recovery of the salt lands in Sevier county.

All of which are herewith returned.

The Senate have appointed Messrs. Newton, Ficklin and Rose a committee on part of the Senate, on the communication of the Hon. John Pope, late territorial Governor.

On motion of Mr. Croft, leave of absence was granted Mr. Davis, on account of indisposition.

On motion of Mr. McCoy, leave of absence was granted Mr. Dawdy, on account of illness.

On motion of Mr. Berry, leave of absence was granted Mr. Sanders, on account of illness.

The propositions to amend the constitution of the State of Arkansas, were taken up and read, and

Mr. Miller moved to lay them on the table indefinitely, and called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Blakemore, Berry, Billingsly, Brown of Johnson, Cross, Cromwell, Croft, Culver, Clark of Carroll, Clark of Green, Floyd, Greenwood, Garner, Gray, Hubbard, Hammond, Hardin, Hodges, Hays, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Parks, Russell, Robertson, Scott, Simpson, Stubblefield, Sumner, Sutton, Tackett, Wilson of Johnson, Wilson of Washington, Mr. Speaker—38.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Burke, Brown of Sevier, Cook, Collins, Dorris, Duval, Fowler, Foster, Hughes, Hynson, Owens, Physick, Riggs, Rust, Simmons, Shipp, Smith, Steele, Strain, Trapnall, Ward—25.

So the substitute was rejected.

Mr. Bertrand would amend the fourth article of the propositions in the 10th line, by inserting after the word lots, "and all improvements upon lots in the county."

Mr. Floyd moved to reject the amendment, and called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Berry, Billingsly, Brown of Johnson, Cross, Cromwell, Croft, Culver, Clark of Carroll, Clark of Green, Dawdy, Floyd, Greenwood, Garner, Gray, Hubbard, Hammond, Hardin, Hodges, Hays, Hughes, Logan, Mayers, Marshall, McCoy, Miller, Parks, Physick, Riggs, Russell, Sanders, Scott, Simmons, Simpson, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wilson of Johnson, Wilson of Washington, Mr. Speaker—49.

The members voting in the negative are,

Messrs. Bertrand, Burke, Brown of Sevier, Cook, Collins, Dorris, Duval, Fowler, Foster, Hynson, Lambert, Owens, Rust, Shipp, Smith, Trapnall, Ward—17. So the amendment was rejected.

The question now recurred upon the adoption of the proposition from the Senate. The ayes and nays were ordered.

The members voting in the affirmative are,

Messrs. Alston, Bateman, Blakemore, Berry, Billingsly, Brown of Johnson, Cross, Cromwell, Croft, Clark of Carroll, Clark of Green, Floyd, Greenwood, Gray, Hubbard, Hardin, Hodges, Hays, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Parks, Riggs, Russell, Robertson, Sanders, Scott, Simpson, Shipp, Stubblefield, Sumner, Sutton, Tackett, Wilson of Johnson, Wilson of Washington, Mr. Speaker—40.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Burke, Brown of Sevier, Cook, Collins, Culver, Dorris, Duval, Fowler, Foster, Garner, Hughes, Hynson, Lambert, Owens, Physick, Rust, Simmons, Smith, Steele, Strain, Trapnall, Ward—24.

So the proposition not having been adopted by two thirds of members elect, as prescribed in the constitution, was lost.

Mr. Mayers presented a communication from his excellency the Governor, suggesting that a law be passed authorizing him to appoint persons living out of the State to take depositions, authenticate deeds, &c.

Which was read, and on motion of Mr. Mayers, was referred to a select committee consisting of Messrs. Mayers, Rust and Greenwood.

The Speaker then presented to the House a communication from the executive receiver of the principal bank, giving some certain information concerning the situation of the debts and securities of Col. Thomas Thorn, &c.

Which was read, and on motion of Mr. Rust, was referred to the standing committee on banks.

The bill entitled "an act authorizing the administrator of the estate of John Magness, deceased, to sell all the slaves belonging to said estate," was taken up and read a third time and passed, and sent to the Senate.

The bill of the House entitled "an act for the relief of the heirs

and legal representatives of John Lenox, deceased, late of Arkansas county," was taken up and the amendment from the Senate was read and concurred in.

The bill of the House to amend the laws concerning gaming, &c., was taken up, and the amendment from the Senate read and concurred in.

The bill of the House entitled "an act to provide for the redemption of the State bonds, and to establish a specie currency, and to prevent direct taxation," was taken up and read, and amended by Mr. Mayers, by adding a separate section.

Was read a third time.

Mr. Rust called for the ayes and nays on its passage.

The members voting in the affirmative are,

Messrs. Bateman, Burke, Berry, Billingsly, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Croft, Collins, Culver, Clark of Green, Duval, Dawdy, Floyd, Foster, Garner, Gray, Hubbard, Hammond, Hardin, Hodges, Hays, Logan, Lambert, Mayers, Marshall, Miller, Mitchell, Parks, Physick, Riggs, Rust, Russell, Robertson, Scott, Simmons, Simpson, Shipp, Smith, Stubblefield, Sumner, Tackett, Ward, Wilson of Johnson, Wilson of Washington—46.

The members voting in the negative are,

Messrs. Bertrand, Blakemore, Bankhead, Cook, Dorris, Fowler, Hynson, Sanders, Steele, Strain, Trapnall, Mr. Speaker—12.

So the bill passed and was sent to the Senate for their assent.

The bill of the House entitled "an act to amend the first section of chap. 106 in the revised statutes respecting oaths, and for other purposes," was taken up and read a third time and passed and returned to the Senate with an amendment.

The resolution of the House authorizing the Governor to appoint agents to investigate certain matters, concerning the branches of the State bank at Fayetteville and Arkansas, was taken up and read a third time.

When Mr. Scott called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Collins, Culver, Clark of Carroll, Clark of Green, Dorris, Duval, Dawdy, Floyd, Foster, Greenwood, Garner, Gray, Hubbard, Hammond, Hardin, Hodges, Hays, Hughes, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Owens, Parks, Physick, Riggs, Rust, Russell, Robertson, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Ward, Wilson of Johnson, Wilson of Washington, Mr. Speaker—61.

Mr. Bertrand voted in the negative.

So the resolution passed and was sent to the Senate for their assent.

On motion of Mr. Greenwood, the House went into recess till 2 o'clock, P. M.

EVENING SESSION, 2 o'clock, Jan. 6th, 1845.

The House convened.

On motion of Mr. Floyd, the House now resolved itself into a committee of the whole upon the bill making appropriations for the year 1846 and the year 1845, and part of the year 1844, and for other purposes.

Mr. Greenwood in the chair.

After three hours deliberation upon the provisions of said bill, the committee arose, the Speaker resumed the chair, and the chairman on leave reported the bill to the House as amended.

The amendments of the Senate to the substitute of the House for the several propositions, amendatory of the constitution of the State of Arkansas, was taken up and read a first time.

On motion of Mr. Greenwood, the House adjourned.

TUESDAY MORNING, 9 o'clock, Jan. 7th, 1845.

The House met pursuant to adjournment.

Message from the Senate by the secretary.

Mr. Speaker, I am instructed to inform your honorable body, that the Senate have assented to the bill of the House of Representatives, entitled "an act supplementary to an act for the better organization of the militia," with an amendment.

To which the concurrence of your honorable body is respectfully asked.

The Senate have concurred in the amendment of the House, to the bill of the Senate, entitled "an act to authorize non-residents to pay their taxes into the State treasury."

On motion of Mr. Brown of Sevier, leave of absence was granted Mr. Physick, on account of illness.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Greenwood, from the committee on enrolments, on leave, reported correctly enrolled "an act to sink a salt well in Van Buren county ;"

And "an act making an appropriation for common schools ;"

And "an act to amend the first section of the 106th chapter of the revised statutes ;"

And also, a memorial to Congress, asking an appropriation to complete the national road from Memphis to Little Rock.

Mr. Fowler, from the committee on the judiciary, on leave, reported back to the House, the communication from his excellency the

Governor, containing the communication of the Governor of the State of South Carolina, concerning a certain agency from the State of Massachusetts, located in that State, with sundry resolutions.

Which were read.

Mr. Strain would amend the resolutions.

On motion of Mr. Sutton, further action thereon was postponed till to-morrow.

Mr. Fowler, also from the committee to whom was referred the petition of sundry citizens of Little Rock and Pulaski county, asking a change of labor at the penitentiary, on leave, reported by resolution.

Which was read and rejected.

On motion of Mr. Wells, the orders of the day were taken up.

The bill of the House entitled "an act to establish circuit and county courts in the county of Montgomery," was taken up and the amendments from the Senate concurred in.

The bill of the House supplementary to an act entitled an act better to organize the militia, was taken up and the amendment of the Senate concurred in.

The bill of the Senate entitled "an act supplementary to an act prescribing the time of holding courts in the fourth judicial circuit," was taken up and read a second time, and Mr. Traphall amended by adding a separate section.

When on motion of Mr. Greenwood, the rules were suspended, and the bill read a third time and passed, and was sent to the Senate.

The memorial to the Congress of the United States, concerning the Red River raft, was taken up and read a third time and passed, and sent to the Senate.

The bill of the House entitled "an act for the relief of sheriffs and coroners," was taken up and the amendment from the Senate concurred in.

The bill of the House entitled "an act to attach Dallas county to the second judicial circuit," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act to authorize the sale of the 16th section of Upper township in Crawford county," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the House entitled "an act for the relief of James B. Masters," was taken up and read a third time and passed, and was sent to the Senate for their assent.

The bill of the Senate entitled "an act to incorporate the Jennings's Falls manufacturing company," was taken up and read, and

On motion of Mr. Bankhead, the rules were suspended, and the bill was read a second time, and

On motion of Mr. Bertrand, the rules were suspended, and the bill read a third time and passed, and was returned to the Senate.

The bill of the Senate entitled "an act making appropriations for the years 1845, 1846, and part of the year 1844, and for balances due from the State, and for other purposes," was taken up, and the first

amendment to the 1st section, 19th line, making appropriation to pay for the apprehension of Franklin Stuart, charged with murder, was read, and Mr. Miller called for the ayes and nays on the adoption.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Burke, Billingsly, Brown of Johnson, Brown of Sevier, Cook, Collins, Dorris, Duval, Floyd, Fowler, Foster, Greenwood, Hammond, Hughes, Hynson, Lambert, Mayers, McCoy, Mitchell, Olive, Owens, Riggs, Russell, Shipp, Steele, Trapnall, Ward, Wilson of Washington, Mr. Speaker—31.

The members voting in the negative are,

Messrs. Alston, Bateman, Blakemore, Berry, Cross, Cromwell, Croft, Culver, Clark of Carroll, Clark of Green, Dawdy, Hardin, Hubbard, Hays, Logan, Marshall, Miller, Parks, Sanders, Scott, Simmons, Simpson, Smith, Strain, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson—30.

So the amendment was adopted.

The second amendment to the 1st section, refunding to Gordon Cooper, sheriff of Desha, money paid into the State treasury.

Mr. Miller called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Burke, Brown of Johnson, Cook, Dorris, Duval, Floyd, Garner, Gray, Hughes, Hynson, Owens, Scott, Simmons, Steele, Sutton, Trapnall, Ward, Wilson of Johnson, Mr. Speaker—20.

The members voting the negative are, Messrs. Alston, Bankhead, Bateman, Blakemore, Berry, Billingsly, Brown of Sevier, Cross, Cromwell, Croft, Collins, Culver, Clark of Carroll, Clark of Green, Dawdy, Fowler, Foster, Greenwood, Hubbard, Hammond, Hardin, Hays, Logan, Lambert, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Russell, Sanders, Simpson, Shipp, Smith, Strain, Stubblefield, Sumner, Tackett, Wells, Wilson of Washington—42.

So the amendment was rejected.

The third amendment to the 1st section, relating to the expense of the inauguration of the Governor, of thirty dollars, was taken up and read, and Mr. Bertrand called for the ayes and nays on the adoption of the amendment.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Burke, Billingsly, Brown of Sevier, Cross, Cook, Collins, Culver, Dorris, Duval, Dawdy, Floyd, Foster, Garner, Gray, Hardin, Hynson, Lambert, Mayers, McCoy, Mitchell, Smith, Steele, Strain, Sumner, Sutton, Tackett, Trapnall, Ward, Mr. Speaker—31.

The members voting in the negative are,

Messrs. Bertrand, Bateman, Blakemore, Berry, Brown of Johnson, Cromwell, Croft, Clark of Green, Fowler, Greenwood, Hubbard, Hammond, Hays, Hughes, Logan, Marshall, Miller, Olive, Owens, Parks, Riggs, Russell, Scott, Simmons, Simpson, Shipp, Stubblefield, Wells, Wilson of Johnson, Wilson of Washington—30.

So the amendment was adopted.

The amendment no. 1 to the second section was read, concerning

the erection of tomb stones over the graves of the several members of the legislature of Arkansas, who had died here during sessions of the same.

Mr. Bertrand would amend, "and that the sum of one hundred and thirty-five dollars be appropriated to pay the inaugural expenses of Governor Yell in 1840," and called for the ayes nays.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Brown of Sevier, Cook, Dorris, Fowler, Gray, Hynson, Mayers, Scott, Ward, Mr. Speaker—13.

The members voting in the negative are,

Messrs. Alston, Bateman, Blakemore, Berry, Billingsly, Brown of Johnson, Cross, Cromwell, Collins, Culver, Clark of Carroll, Clark of Green, Duval, Dawdy, Floyd, Foster, Greenwood, Garner, Hubbard, Hammond, Hardin, Hays, Hughes, Logan, Lambert, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Riggs, Russell, Sanders, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Trapnall, Wells, Wilson of Johnson, Wilson of Washington—50.

So the amendment to the amendment was not adopted.

The question then recurred upon the adoption of the amendment to the bill. Which was lost.

When Mr. Sutton amended the amendment appropriating the sum of two hundred dollars, to pay the funeral expenses of the Hon. John Clark, by striking out all that part authorizing Mr. Wilford Garner to act as the administrator of the deceased.

When on motion of Mr. Bertrand, the vote on the first amendment making appropriation for the erection of tomb stones, &c., was reconsidered, and the question again put upon its adoption.

Mr. Miller called for ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Bateman, Burke, Billingsly, Brown of Sevier, Cromwell, Cook, Collins, Culver, Clark of Green, Dorris, Duval, Fowler, Foster, Garner, Gray, Hughes, Hynson, Lambert, Mayers, McCoy, Mitchell, Parks, Simpson, Smith, Steele, Strain, Stubblefield, Sumner, Trapnall, Ward, Mr. Speaker—33.

The members voting in the negative are,

Messrs. Blakemore, Berry, Brown of Johnson, Cross, Clark of Carroll, Dawdy, Floyd, Greenwood, Hubbard, Hammond, Hardin, Hays, Logan, Marshall, Miller, Olive, Owens, Riggs, Russell, Scott, Simmons, Shipp, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington—26.

So the amendment was adopted.

The amendment allowing Euclid L. Johnson \$100 for prosecuting Hughes, was taken up, and Mr. Bertrand called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Burke, Brown of Johnson, Cook, Croft, Collins, Culver, Dorris, Duval, Dawdy, Greenwood, Garner, Gray, Hays, Hynson, Logan, Lambert, Mayers, Owens, Simmons, Strain, Trapnall, Ward, Wilson of Washington, Mr. Speaker—26.

The members voting in the negative are,
Messrs. Alston, Bateman, Blakemore, Berry, Billingsly, Brown of Sevier, Cross, Cromwell, Clark of Carroll, Clark of Green, Floyd, Fowler, Hubbard, Hammond, Hardin, Hughes, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Russell, Scott, Simpson, Shipp, Smith, Steele, Stubblefield, Sutton, Tackett, Wells, Wilson of Johnson—34.

So the amendment was not adopted.

The amendment appropriating \$50 to be paid Shall and Brearly, for services rendered the committee on counties and county lines, was adopted.

On motion of Mr. Collins, the House went into recess until 2 o'clock, P. M.

EVENING SESSION, 2 o'clock, P. M.

The House convened.

The amendment proposing to fix the salary of the secretary and clerks, was read, and Mr. Miller called for the ayes and nays on the adoption.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Cross, Cook, Collins, Culver, Clark of Carroll, Dorris, Duval, Dawdy, Fowler, Foster, Franks, Greenwood, Garner, Hays, Hynson, Lambert, Mayers, McCoy, Simmons, Strain, Ward—25.

The members voting in the negative are,

Messrs. Alston, Bateman, Blakemore, Burke, Berry, Billingsly, Brown of Johnson, Brown of Sevier, Cromwell, Croft, Clark of Independence, Clark of Green, Floyd, Gray, Hubbard, Hammond, Hughes, Logan, Marshall, Miller, Mitchell, Olive, Owens, Parks, Riggs, Russell, Sanders, Simpson, Shipp, Smith, Steele, Stubblefield, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington—39.

So the amendment was lost.

Mr. Floyd was called to the chair.

Mr. Bertrand would amend the 11th section in the 6th line after the word State, by inserting the words "or the paper of the bank of the State of Arkansas and its branches."

When Mr. Roane would amend the amendment by adding "and the paper of the Real Estate bank, and that the members of this General Assembly and all the officers of this State, be required to take Arkansas bank paper at par, for all dues from the State to them."

Mr. Miller moved to lay the amendments on the table, and called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Berry, Billingsly, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Floyd, Foster, Greenwood, Gray, Hubbard, Hammond, Hardin, Hays, Hughes, Hynson, Logan, Lambert, Mayers, McCoy, Miller, Mitchell, Olive, Owens, Riggs, Simmons, Shipp, Steele, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington—43.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Dorris, Fowler, Garner, Marshall, Parks, Russell, Sanders, Scott, Simpson, Smith, Strain, Stubblefield, Ward, Mr. Speaker—19.

So the amendments were laid on the table.

Mr. Mayers moved to strike out the 24th section of the bill.

Mr. Bertrand called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Bankhead, Blakemore, Billingsly, Cromwell, Culver, Clark of Green, Duval, Floyd, Foster, Greenwood, Garner, Gray, Hammond, Hardin, Hays, Hughes, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Russell, Sanders, Simmons, Simpson, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Tackett, Wilson of Johnson, Wilson of Washington, Mr. Speaker—39.

The members voting in the negative are,

Messrs. Alston, Bertrand, Bateman, Burke, Berry, Brown of Johnson, Brown of Sevier, Cross, Croft, Clark of Independence, Clark of Carroll, Dorris, Dawdy, Fowler, Hubbard, Hynson, Lambert, Shipp, Ward, Wells—22.

So the 24th section was stricken out.

Mr. Greenwood would amend the bill by a separate section, that the assistant clerk of the House should be allowed the same per diem pay as the principal. Which was adopted.

Mr. Bertrand now moved to lay the bill on the table till 4th of July next, and called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Bateman, Cook, Dorris, Fowler, Garner, Lambert, Marshall, Sanders, Scott, Simpson, Steele, Stubblefield, Mr. Speaker—15.

The members voting in the negative are,

Messrs. Alston, Blakemore, Burke, Berry, Billingsly, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Croft, Culver, Clark of Independence, Clark of Green, Duval, Dawdy, Floyd, Foster, Greenwood, Gray, Hubbard, Hammond, Hardin, Hays, Hughes, Hynson, Logan, Mayers, McCoy, Miller, Mitchell, Olive, Owens, Parks, Riggs, Russell, Simmons, Shipp, Smith, Strain, Sumner, Sutton, Tackett, Ward, Wells, Wilson of Johnson, Wilson of Washington—47.

So the bill was not laid on the table.

The question now recurred on the passage of the bill.

Mr. Bertrand called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Alston, Blakemore, Berry, Billingsly, Brown of Johnson, Brown of Sevier, Cromwell, Croft, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Floyd, Foster, Greenwood, Gray, Hubbard, Hammond, Hardin, Hays, Hughes, Hynson, Logan, Lambert, Mayers, McCoy, Miller, Mitchell, Olive, Owens, Riggs, Russell, Simmons, Shipp, Sumner, Sutton, Tackett, Wells, Wilson of Johnson, Wilson of Washington—42.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Burke, Cross, Cook, Dorris, Floyd, Garner, Marshall, Parks, Sanders, Scott, Simpson, Smith, Steele, Strain, Stubblefield, Trapnall, Ward, Mr. Speaker—21.

So the bill passed, and was returned to the Senate.

The Senate's amendment to the proposition to amend the constitution of the State of Arkansas, was taken up and read a second time.

Mr. Speaker presented a communication from the Governor, concerning revenue and appropriations, &c.

Which was read.

And on motion of Mr. Clark of Independence, was referred to the committee on ways and means.

On motion of Mr. Clark of Carroll, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, *Jan. 8th*, 1845.

The House met pursuant to adjournment.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body that the Senate have concurred in the amendment of the House to the bill of the Senate entitled an act supplementary to an act fixing the time of holding the courts in the 4th judicial circuit of this State.

The Senate have assented to the bill of the House entitled an act to dispose of the 16th section of upper township, in Crawford county.

Also an act supplementary to an act to establish a system of common schools, as far as the same relates to estrays.

And also an act to attach the county of Dallas to the 2d judicial circuit, and for other purposes.

All of which are herewith returned.

Petitions from counties were in order.

Mr. Parks presented a petition from sundry citizens of Yell county,

concerning the attachment of a part of Pope county to the county of Yell.

Which was read.

And on motion of Mr. Hays, was committed to a select committee consisting of Messrs. Hays, Brown of Johnson, and Simmons.

Reports from standing committees were in order.

None were offered.

Reports from select committees were in order.

None were offered.

Motions and resolutions were in order.

On motion of Mr. Hays, the orders of the day were taken up.

Mr. Floyd was called to the chair.

The resolution of the judiciary committee, upon the communication from the Governor of South Carolina, was taken up.

Mr. Greenwood moved to postpone any further action upon the resolution until to-morrow.

Mr. Rust called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bateman, Burke, Brown of Johnson, Brown of Sevier, Cook, Collins, Dorris, Duval, Dawdy, Davis, Fowler, Greenwood, Gray, Hubbard, Hays, Hughes, Lambert, Olive, Owens, Physick, Russell, Shipp, Strain, Sutton, Tackett, Trapnall, Ward, Wells, Wilson of Washington—31.

The members voting in the negative are,

Messrs. Bankhead, Blakemore, Burke, Billingsly, Booker, Cross, Cromwell, Croft, Culver, Clark of Independence, Clark of Green, Floyd, Foster, Garner, Hammond, Hall, Hardin, Hynson, Logan, Mayers, Marshall, McCoy, Miller, Mitchell, Parks, Rust, Robertson, Scott, Simmons, Simpson, Smith, Steele, Stubblefield, Sumner, Wilson of Johnson, Mr. Speaker—36.

So the resolutions were not postponed.

Mr. Roane then offered a substitute.

Which was read.

And Mr. Clark of Independence called for the yeas and nays upon its adoption.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Blakemore, Burke, Berry, Billingsly, Booker, Brown of Johnson, Cross, Cromwell, Croft, Collins, Culver, Clark of Independence, Clark of Green, Duval, Davis, Floyd, Foster, Garner, Gray, Hammond, Hall, Hardin, Hays, Hughes, Hynson, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Parks, Rust, Sanders, Scott, Simmons, Simpson, Smith, Steele, Strain, Stubblefield, Sumner, Tackett, Wells, Wilson of Washington, Wilson of Johnson, Mr. Speaker—51.

The members voting in the negative are,

Messrs. Bertrand, Bateman, Brown of Sevier, Cook, Dorris, Dawdy, Fowler, Greenwood, Hubbard, Owens, Physick, Russell, Shipp, Sutton, Trapnall, Ward—16.

So the substitute was adopted.

And on motion of Mr. Roane, the rules were suspended, and the resolution read a third time and passed, and was transmitted to the Senate for their concurrence.

Message from the executive, by his private secretary, L. J. Reardon: His excellency has approved and signed,

An act to appropriate the whole of the common school fund for the purchase of books, for common schools.

An act to amend the first section of the 106th chapter of the revised statutes of Arkansas, under the head of "Official Oaths."

An act to provide for sinking a salt well in Van Buren county.

A memorial concerning a road from Memphis, Tennessee, to Fort Smith.

An act to grant a charter to John Shipp and Thomas M. Hughes, to make a turnpike road.

An act for the relief of Pleasant M. Johnson, sheriff of Madison county.

An act to prevent betting on elections, and for other purposes.

An act to exempt the Mount Holly Cemetery from taxation.

An act to open a road to Fort Smith from Little Rock, on the south side of the Arkansas river.

An act to authorize James H. Caldwell, executor of Charles Caldwell, deceased, to sell certain real estate.

An act to regulate the fees of the clerk of the supreme court.

An act to authorize James W. McClung and Malcom McLeod to sell real estate.

And a resolution instructing our Senators and requesting our Representative concerning the present rates of postage.

Mr. Logan, from the committee on ways and means, to whom was referred the communication from his excellency Governor Drew, concerning the revenue, on leave, reported that the passage of any act creating an increase of the revenue, in the opinion of the committee, is inexpedient at the present time.

Mr. Trapnall moved to recommit the communication to the same committee, with instructions to report by bill.

Which was lost.

Mr. Clark of Independence called for the yeas and nays on the adoption of the report.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Burke, Berry, Booker, Brown of Johnson, Brown of Sevier, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Dorris, Dawdy, Davis, Floyd, Fowler, Foster, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hardin, Hays, Hughes, Hynson, Logan, Lambert, Marshall, Owens, Parks, Physick, Riggs, Rust, Russell, Robertson, Scott, Simmons, Simpson, Shipp, Smith, Steele, Stubblefield, Sumner, Tackett, Ward, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—55.

The members voting in the negative are,

Messrs. Blakemore, Cross, Duval, Mayers, McCoy, Miller, Strain, Sutton, Trapnall—9.

So the report was adopted.

A message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in all the amendments made by the House to the bill of the Senate entitled an act making appropriations for the year 1845, 1846, and part of the year 1844, and for other purposes.

The Senate have concurred in the resolutions of the House accompanying the communication of the Governor of South Carolina.

Which is herewith returned.

The Senate have passed a bill to be entitled an act for the payment of the secretary of the Senate and clerk of the House of Representatives.

The bill from the Senate entitled an act to pay the secretary of the Senate and clerk of the House, was taken up and read a first time.

And on motion of Mr. Sutton, the rules were dispensed with and the bill read a second time.

Mr. Bertrand amended the bill by inserting before the enforcing clause sections 2 and 3.

Mr. Trapnall would amend by adding by way of rider a separate section, prescribing the time of holding circuit court in the several counties in the fifth judicial circuit.

Mr. Greenwood would amend that gentleman's amendment, by inserting a clause concerning bank attorneys.

Which was accepted by Mr. Trapnall.

Mr. Miller moved to lay the amendment, together with the bill, on the table and called for the yeas and nays.

The members voting in the affirmative are

Messrs. Alston, Blakemore, Berry, Cromwell, Clark of Green, Hammond, Hardin, Marshall, Miller, Parks, Riggs, Russell, Sanders, Simpson, Shipp, Stubblefield, Wilson of Johnson—17.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Burke, Billingsly, Booker, Brown of Sevier, Cross, Cook, Collins, Culver, Clark of Independence, Dorriss, Duval, Dawdy, Davis, Floyd, Fowler, Foster, Greenwood, Garner, Gray, Hubbard, Hall, Hays, Hughes, Hynson, Logan, Lambert, Mayers, Mitchell, Olive, Owens, Physick, Robertson, Scott, Simmons, Smith, Steele, Strain, Sumner, Sutton, Tackett, Trapnall, Wells, Wilson of Washington, Mr. Speaker—47.

So the bill and amendments were not laid on the table.

On motion of Mr. Trapnall, the rules were again suspended, and the bill read a third time.

Mr. Riggs called for the yeas and nays on the passage of the bill.

The members voting in the affirmative are,

Messrs. Bertrand, Bankhead, Bateman, Burke, Billingsly, Booker, Brown of Johnson Brown of Sevier, Cross, Cook, Collins, Culver, Clark of Independence, Dorriss, Duval, Dawdy, Floyd, Fowler, Foster, Greenwood, Garner, Gray, Hubbard, Hall, Hays, Hughes, Hynson, Logan, Lambert, Mayers, Olive, Owens, Physick, Robertson, Scott, Simmons, Shipp, Smith, Steele, Strain, Sumner, Sutton,

Tackett, Trapnall, Ward, Wells, Wilson of Washington, Mr. Speaker
—48.

The members voting in the negative are,

Messrs. Alston, Blakemore, Berry, Cromwell, Clark of Green, Hammond, Hardin, Marshall, Miller, Mitchell, Parks, Riggs, Russell, Sanders, Simpson, Stubblefield, Wilson of Johnson—17.

So the bill passed; and was sent to the Senate.

On motion of Mr. Clark of Independence, the House adjourned until 2 o'clock, P. M.

EVENING SESSION, 2 o'clock, P. M.

The bill of the Senate entitled an act concerning the law of forcible entry and detainer, was taken up and read a first time.

When on motion of Mr. Greenwood, the rules were suspended, and the bill read a second time.

And Mr. Greenwood amended sections 8, 9, and 10.

When on motion of Mr. Greenwood, the rules were again suspended, and the bill read a third time and passed, and was sent to the Senate.

Mr. Bertrand was excused from voting on the passage of the bill, for the reason that he had not heard the bill read.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following resolution:

Resolved by the General Assembly of the State of Arkansas, That it shall be the special duty of the secretary of State, to have the resolutions that were passed at the present session of the General Assembly, in relation to the amending the constitution, published in compliance with the constitution.

Which is herewith transmitted for the concurrence of your honorable body.

The Senate have concurred in the amendments of the House to the bill of the Senate to pay the secretary of the Senate and clerk of the House of Representatives, and have amended said amendments, in which your honorable body is respectfully asked to concur.

The proposition proposing amendments to the constitution of the State of Arkansas, was taken up and read a third time, and agreeable to the provisions in the constitution, the yeas and nays were called.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Booker, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Croft, Collins, Culver, Clark of

Independence, Clark of Carroll, Clark of Green, Dorris, Duval, Dawdy, Floyd, Foster, Greenwood, Gray, Hubbard, Hall, Hardin, Hays, Logan, Lambert, Mayers, Marshall, McCoy, Miller, Mitchell, Olive, Owens, Parks, Physick, Riggs, Rust, Russell, Sanders, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sumner, Sutton, Trapnall, Ward, Wells, Wilson of Washington, Wilson of Johnson, Mr. Speaker—64.

The members voting the negative are,
Messrs. Fowler and Hynson—2.

So the resolutions were adopted in conformity to law, prescribing the mode of amending the constitution of the State of Arkansas.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate withhold their assent to the bill of the House entitled an act to call in and redeem the State bonds, and to extinguish the State debt, but have adopted a substitute therefor, to which the assent of your honorable body is respectfully asked.

The bill of the Senate entitled an act to pay the secretary of the Senate and clerk of the House of Representatives, was taken up, and the amendments of the Senate to the amendments of the House, were read and amended, and returned to the Senate.

The bill of the Senate entitled an act supplementary to an act to establish common schools, was taken up and read a third time, and amended by Mr. Rust, Mr. Trapnall and Wilson of Washington, and passed as amended, and was returned to the Senate.

Message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the amendments of the House to the bill of the Senate entitled an act to regulate the action of forcible entry and detainer.

Also the Senate have concurred in the amendments of the House to the amendments of the Senate to the bill of the Senate entitled an act to pay the secretary of the Senate and clerk of the House of Representatives.

On motion of Mr. Greenwood, the Senate's resolution authorizing the secretary of State to publish the proposed amendment to the constitution, was taken up and read, and concurred in, and returned to the Senate.

The bill of the Senate entitled an act to appropriate \$200 to the secretary of State for clerk hire, was taken up and read a second time.

And on motion of Mr. Mayers, the rules were suspended, and the bill was read a third time and passed, and was returned to the Senate.

Message from the Senate by the Secretary :

Mr. Speaker—I am instructed to inform your honorable body that the Senate have concurred in the amendments of the House to the bill of the Senate entitled an act supplementary to an act to establish a system of common schools.

The Senate have passed an act entitled an act concerning roads and overseers thereon.

Which is herewith transmitted for the assent of the House of Representatives.

The bill of the Senate entitled an act supplementary to an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas, was taken up and read.

And on motion of Mr. Mayers, the rules were suspended, and the bill read a second time.

Mr. Trapnall would amend the bill by adding that the proceeds of the sales of the 500,000 acres, should be applied to the payment of the State bonds, and that when said bonds are purchased they shall compose the internal improvement fund.

Mr. Rust moved to lay Mr. Trapnall's amendment on the table.

Mr. Trapnall called for the yeas and nays.

The members voting in the affirmative are,

Messrs. Blakemore, Berry, Billingsly, Cross, Cromwell, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Dawdy, Floyd, Fowler, Foster, Greenwood, Garner, Hubbard, Hammond, Hall, Hardin, Hays, Logan, Mayers, McCoy, Miller, Mitchell, Olive, Parks, Riggs, Rust, Russell, Sanders, Simmons, Shipp, Smith, Steele, Strain, Sumner, Wells, Wilson of Johnson, Wilson of Washington, Mr. Speaker—48.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Burke, Brown of Johnson, Brown of Sevier, Dorris, Duval, Lambert, Owens, Physick, Scott, Trapnall, Ward—14.

So the amendment was laid on the table.

On motion of Mr. Bertrand, the bill was laid on the table till 4th of July next.

The bill of the Senate concerning roads and highways, was taken up and read a first time.

And on motion of Mr. Trapnall, the rules were suspended, and the bill read a second time.

When Mr. Trapnall offered a substitute.

Which was adopted.

When on motion of Mr. Trapnall, the rules were again suspended, and the bill read a third time and passed.

The memorial to Congress concerning the French, Spanish, and Bowie land claims, was taken up and read a third time and passed, and was sent to the Senate.

The bill of the Senate entitled an act to authorize the exchange of real estate bank notes for State bank notes, and bonds, and for other purposes, was taken up and read.

When Mr. Rust would amend by adding another section.

On motion of Mr. Olive, the House adjourned.

THURSDAY MORNING, 9 o'clock, Jan. 9th, 1845.

The House met pursuant to adjournment.

Message from the Senate by the secretary.

Mr. Speaker—I am instructed to inform your honorable body that the Senate have appointed Messrs. Black, Bean, and Maxwell, a committee on the part of the Senate, to act in conjunction with such committee as may be appointed on the part of the House of Representatives to wait upon his excellency, the Governor, and inform him that the present General Assembly are about to close their labors and adjourn, and ascertain if he has any further communication to make to either House.

Petitions from counties were in order.

None were offered.

Reports from standing committees were in order.

Mr. Greenwood from the standing committee on enrolments, on leave, reported correctly enrolled "an act supplementary to an act establishing a system of common schools as far as the same relates to estrays.

Also, a resolution relative to the salt springs in Sevier county.

Also, an act for the relief of the heirs and legal representatives of James Johnson, deceased.

Also, a series of resolutions in response to a communication from his excellency, the Governor of South Carolina, through his excellency, Thomas S. Drew, Governor of the State of Arkansas, concerning an agent from the State of Massachusetts, sent to that State for the purpose of trying constitutional questions, involved in State rights and individual franchises.

Also, a bill entitled an act to charter the Fort Smith academy.

Also, an act to attach the county of Dallas to the 2d judicial circuit, and for other purposes.

Also, "an act entitled an act to prohibit the emigration of free negroes and free persons of color into this State, approved 20th January, 1843."

Also, "an act entitled an act supplementary to an act for the better organization of the militia."

Also, "an act entitled an act authorizing John C. Bowen, to affiliate Rebecca Jane Green and John Thomas Barrington.

Also, propositions amendatory to the constitution of the State of Arkansas.

Also, a bill entitled "an act to authorize Caroline Donnell and Dampsey Foster, to reserve from sale the personal property of Samuel Donnell deceased.

Also, a memorial to Congress concerning the French, Spanish and Bowie land claims.

Also, "an act for the benefit of the heirs of John Lenox, deceased, of Arkansas county.

Mr. Logan, from the standing committee on ways and means, on leave reported back to the House, the bill entitled "an act to repeal the 14th section of the 128th chapter of the revised statutes, with the several amendments.

When on motion of Mr. Greenwood, the bill was laid on the table.

Mr. Sutton, from the committee to whom was submitted the communication of the Hon. John Pope, late territorial Governor, on leave reported, which report and accompanying documents, will be found in the appendix of the printed journals.

The memorial to the Congress of the United States concerning the Indian feuds and difficulties in the Cherokee nation, was taken up and read a third time and passed, and was sent to the Senate.

A message from the Senate by the secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the substitute of the House to the bill of the Senate entitled "an act relating to roads and overseers thereof."

Mr. Speaker appointed a committee of three to act in conjunction with a committee appointed on the part of the Senate to wait on the Governor, consisting of Messrs. Trapnall, Booker and Dawdy.

Message from the Governor, by his private secretary, L. J. Reardon, esq.

His excellency has approved and signed an act for the relief and benefit of sheriffs and coroners.

An act for the relief of James B. Masters.

An act to repeal and amend the law in relation to billiard tables and ten-pin alleys.

An act to establish the circuit and county courts, in and for the county of Montgomery, and for other purposes.

Mr. Trapnall from the committee appointed to wait on the Governor, on leave reported, that the Governor had been pleased to say, that his excellency had no further communication to make to the present General Assembly.

Mr. Rust, from the committee to whom was referred the communication of the bank receivers, concerning the debt of Thomas Thorn, due to the bank, on leave reported by resolution, authorizing the Governor to empower an agent to proceed to Texas, and if possible, to secure the debt; allowing said agent 20 per cent, which report was adopted; and the resolution passed to a second reading.

When Mr. Mayers would amend, by adding a resolution, allowing the Governor \$500 for his incidental expenses, house rent, and extra clerk hire, &c.

Mr. Bertrand moved to reject the amendment, and called for the ayes and nays.

The members voting in the affirmative are,

Messrs. Alston, Bertrand, Bateman, Blakemore, Booker, Berry, Billingsly, Birney, Brown of Sevier, Collins, Clark of Independence, Clark of Carroll, Clark of Green, Fowler, Foster, Hubbard, Hammond, Marshall, Miller, Olive, Owens, Parks, Physick, Russell, Robertson, Simpson, Steele, Stubblefield, Ward, Wells—31.

The members voting in the negative are,

Messrs. Bankhead, Brown of Johnson, Cook, Cross, Culver, Dawdy, Floyd, Greenwood, Garner, Hays, Logan, Lambert, Mayers, Rust, Simmons, Shipp, Strain, Trapnall, Wilson of Washington, Mr. Speaker—22.

So the amendment was rejected, and the resolution adopted.

Message from the Governor, by L. J. Reardon.

Mr. Speaker—I am instructed by his excellency to say that in consequence of the many important matters contained in the bill making an appropriation for the years 1845, 1846, and part of 1844, together with matters contained in many other bills previously submitted this morning for his consideration, he is unable to give the appropriation bill, that attention which its importance requires, and would request the indulgence of this General Assembly until its meeting to-morrow.

A message from the Senate by the secretary :

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following joint resolution, to-wit:

Be it resolved, by the General Assembly of the State of Arkansas, That the judge of the 5th judicial circuit shall be, and he is hereby authorized to appoint an executive receiver for the State bank, at Little Rock, should that office be vacant, to serve until the attorney elected under the act of this session is qualified; and in like manner, the judge of the 3d judicial circuit shall appoint an executive and financial receiver for the branch of the State bank at Batesville, if either of those offices should be vacant, to serve until the officers elected under the act of this session, are qualified.

Which is herewith transmitted for the concurrence of your honorable body.

Also, the Senate have concurred in the resolution of the House of Representatives, authorizing the Governor to appoint an agent to go to Texas and collect a certain debt due to the bank of the State of Arkansas, which is herewith returned.

The Senate have concurred in the resolutions of the House in relation to certain land claims, which is herewith returned.

Mr. Greenwood offered :

Resolved, that the resolution heretofore adopted by the General Assembly, fixing this day for the adjournment of this Legislature be, and the same is hereby rescinded, and that this General Assembly adjourn *sine die* on to-morrow, Jan. 10, and that the members of this General Assembly will make no charge for their services after this day, and that the Senate be requested to concur herein.

On motion of *Mr. Rust*, the rules were suspended, that the resolution might be entertained.

When *Mr. Rust* and *Mr. Trapnall* amended the resolution.

And *Mr. Bertrand* called for the ayes and nays on the adoption.

The members voting in the affirmative are,

Messrs. Alston, Bankhead, Bateman, Blakemore, Burke, Berry, Billingsly, Birney, Brown of Johnson, Brown of Sevier, Cross, Cromwell, Cook, Collins, Culver, Clark of Independence, Dawdy, Floyd, Foster, Greenwood, Garner, Gray, Hubbard, Hammond, Hall, Hardin, Hays, Hughes, Logan, Lambert, Mayers, Marshall, Miller, Mitchell, Olive, Owens, Parks, Riggs, Russell, Scott, Simmons, Simpson, Shipp, Smith, Steele, Strain, Stubblefield, Sutton, Trapnall, Ward, Wells, Wilson of Johnson, Wilson of Washington, *Mr. Speaker*—54.

The members voting in the negative are,
Messrs. Bertrand, Clark of Carroll, Davis, Fowler, Hynson, Physick, Sanders—7.

So the resolution as amended was adopted, and the Senate informed thereof by message.

Mr. Greenwood, from the committee on enrolments, on leave, reported correctly enrolled, the bill of the House entitled an act for the relief of Thomas S. Woodward and Thomas Woodward.

Also, a resolution authorizing the Governor to appoint an agent to go to Texas, to collect Thomas Thorn's debt due the bank.

The resolution from the Senate in relation to the appointment of the receivers of the principal bank at Little Rock, and Batesville, was taken up and amended by Messrs. Bertrand and Greenwood, and passed, and was returned to the Senate.

Message from Senate by the secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House rescinding the resolution to adjourn to-day, and fixing to-morrow to adjourn sine die.

The resolution from the Senate relative to the proposition of John Hutt and wife, was taken up and read.

And Mr. Mayers called for the ayes and nays, on the adoption.

The members voting in the affirmative are,

Messrs. Bankhead, Burke, Brown of Johnson, Brown of Sevier, Cook, Croft, Collins, Culver, Clark of Independence, Clark of Carroll, Clark of Green, Floyd, Fowler, Foster, Greenwood, Garner, Hubbard, Hall, Hynson, Logan, Scott, Simmons. Simpson, Shipp, Smith, Steele, Sutton, Wells, Mr. Speaker—34.

The members voting in the negative are,

Messrs. Bateman, Blakemore, Berry, Billingsly, Booker, Gray, Hays, Lambert, Mayers, Marshall, Miller, Olive, Owens, Parks, Physick Riggs, Russell, Sanders, Stram, Stubblefield, Ward, Wilson of Washington—22.

So the resolution was adopted.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have disagreed to the amendments of the House to the resolution of the Senate, authorizing the judges of the 3d and 5th judicial circuits to appoint bank receivers, and have adopted a substitute for the last resolution of the House, to which the concurrence of your honorable body is asked.

On motion of Mr. Scott, the House adjourned.

FRIDAY MORNING, 9 o'clock, Jan. 10th, 1845.

The House met pursuant to adjournment.

The resolution of the Senate authorizing the judges of the 5th and 3d judicial circuits to appoint bank receivers and attorneys for the respective banks and branches in said circuits, was taken up.

And on motion of Mr. Scott, the House receded from their substitute to the Senate's resolution and concurred in the amendment of the Senate to the substitute of the House.

Message from the Governor, by his private Secretary, Col. L. J. Reardon.

Mr. Speaker—His excellency requests me to announce to your honorable body, his approval and signature to the following bills:

An act for the relief of Thomas S. Woodward and Thomas Woodward.

An act supplementary to an act for the better organization of the militia.

An act to attach Dallas county to the 2d judicial circuit.

An act to amend an act to prohibit the settlement and emigration of free negroes or free persons of color into this State.

A resolution concerning emissaries from abolitionists.

An act supplementary to an act, establishing a system of common schools.

An act for the relief of the heirs and legal representatives of James Johnson, dec'd.

A resolution concerning salt springs.

A resolution concerning Spanish land claims.

A resolution concerning the sending an agent to Texas to recover moneys due the State.

A resolution amending the constitution.

An act to authorize John C. Bowen to affiliate Rebecca Jane Green and John Thomas Barrington.

An act for the relief of the heirs and legal representatives of the late John Lenox, dec'd.

An act to dispose of the 16th section of upper township, in Crawford county.

An act to incorporate the Fort Smith academy.

Mr. Greenwood offered the following:

Resolved, That the thanks of the House of Representatives be tendered to the Hon. John S. Roane, Speaker; to Stephen S. Tucker, clerk, and A. H. McKisick, assistant clerk; also, to William Triplett, door keeper; for the faithful discharge of their respective duties, during the present session.

Which was unanimously adopted.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the bill to be entitled "an act making appropriations for the years 1845, 1846 and part of the year 1844, and for balances due from the State, and for other purposes," passed on the 8th day of January, inst., by this General Assembly, was returned by his excellency,

the Governor, to the Senate this morning where it originated, with his objections thereto, and that the Senate have passed the bill by the constitutional majority, the objections of the Governor thereto, notwithstanding.

Which bill and objections, are herewith transmitted for the consideration of your honorable body.

Mr. Greenwood moved a call of the House, which was sustained and ordered.

The absent members came in and took their seats.

The message from the Senate, together with the executive's objections to the bill making appropriations for the years 1846, 1845 and part of the year 1844, and for balances due from the State, were taken up and read, and a reconsideration was had upon the bill.

When the roll was called, and the members voting for the passage of the bill notwithstanding the objections of the executive are.

Messrs. Berry, Billingsly, Booker, Brown of Johnson, Brown of Sevier, Cromwell, Croft, Clark of Independence, Clark of Carroll, Clark of Green, Duval, Dawdy, Davis, Floyd, Foster, Greenwood, Gray, Hubbard, Hammond, Hall, Hardin, Hodges, Hays, Hughes, Hynson, Logan, Lambert, Mayers, McCoy, Miller, Mitchell, Olive, Owens, Physick, Riggs, Russell, Simmons, Shipp, Sumner, Sutton, Tackett, Wells, Wilson of Washington, Wilson of Johnson—44.

The members voting in the negative are,

Messrs. Bertrand, Bankhead, Bateman, Blakemore, Burke, Birney, Cross, Cook, Collins, Culver, Dorris, Fowler, Garner, Marshall, Parks, Rust, Robertson, Sanders, Scott, Simpson, Smith, Steele, Strain, Stubblefield, Trapnall, Ward, Mr. Speaker—27.

So the bill passed by a constitutional majority, and became a law.

Mr. Alston was excused from voting, on "*conscientious objections*."

On motion of Mr. Greenwood, the rules of the House were suspended and he introduced a bill entitled an act, supplementary to an act, entitled an act making appropriations for the years 1846, 1845 and part of 1844, which was read a first and second time.

When Mr. Fowler amended by adding a separate section, Mr. Bertrand and Mayers also amended the bill.

When Mr. Greenwood moved to suspend the rules again, and the bill was read a third time and passed, and was sent to the Senate.

A message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House entitled an act supplementary to an act making appropriations for the years 1845, 1846 and part of the year 1844, and for other purposes," with two amendments, to which the concurrence of your honorable body is asked.

Which is herewith returned;

The House concurred in the amendments of the Senate,

The House now went into recess until 6 o'clock, P. M.

6 o'clock, P. M.

The House convened.

Message from the Governor, by his private secretary, L. J. Reardon.

The Governor has approved and signed the bill entitled an act supplementary to an act, making appropriations for the year 1846; &c.

There now being no further communications from either branch of the Legislature, and this being the day fixed upon that the Senate and House of Representatives of the State of Arkansas should adjourn,

On motion of Mr. Greenwood, the House adjourned *sine die*.

JOHN S. ROANE, *Speaker*
of the House of Representatives.

S. S. TUCKER, *Principal Clerk*
of the House of Representatives.
January 10th, 1845.

APPENDIX

TO THE

JOURNAL OF THE HOUSE OF REPRESENTATIVES.

RESOLUTIONS OF REFERENCE.

Resolved, That the petition of AMBROSE H. SEVIER, of the county of Jefferson, in the State of Arkansas, be spread upon the journals of House of Representatives, and that said petition, together with the report, testimony, and documents to which it refers, be referred to a joint select committee of the Senate and House of Representatives, of the same number as made the report of which said petitioner complains.

Resolved, That said committee have power to send for persons, and papers, and said committee be, and they are hereby, directed to investigate the conduct of said petitioner, in the matters and things to which said report refers, and report the result of the same to this House, with as little delay as possible, to a full and fair investigation of the subject, with the suitable remedy (if any should be found to be due) for the grievance of which said petitioner complains.

Resolved, further, That a copy of the said petition, and of these resolutions, be sent to the Senate for its concurrence, with the request that the Senate, on its part, may appoint a committee to act jointly with the committee of this House upon the subject to which said petition refers.

PETITION OF THE HON. AMBROSE H. SEVIER.

To the Senate and House of Representatives,

of the Legislature of the State of Arkansas:

Your petitioner, AMBROSE H. SEVIER, recently a citizen of Chicot and now of Jefferson county, in the State of Arkansas, respectfully represents to your honorable bodies, that in the House of Representatives, at the last session of the legislature of Arkansas—to-wit: on Friday, the 9th of November, 1842, an inquiry was instituted, on the motion of Mr. Gibson, the then member from the county of Hot Spring, into the conduct of your petitioner, as one of the agents of the Real Estate bank of the State of Arkansas, in the disposition of sundry bonds belonging to said bank, and of the funds arising from such sale, &c., &c.

Your petitioner further represents to your honorable bodies, that the committee having charge of the subject were directed to report, and did report upon the aforesaid subject, prior to the day designated by your honorable bodies for the election of a Senator to the Congress of the United States from the State of Arkansas; and this report fully and completely exonerated your petitioner from all blame in the aforesaid negotiation and disposition of the funds arising from such negotiation. Your petitioner would further represent, that, after the aforesaid reports were made, he was elected a Senator to the Congress of the United States; from the State of Arkansas, and, immediately after, left Little Rock for the city of Washington; and was there, for weeks, ignorant of the proceedings of the legislature aforesaid, and did not know, until the whole subject had been disposed of, that a further investigation had been had into his conduct as agent of the bank, and that a report upon such further investigation had been made to the House of Representatives, and adopted by that honorable body, by a majority of six votes, reflecting upon his integrity as a man, his fidelity as an agent, and attributing to that cause, in part, the downfall of the Real Estate bank. Your petitioner would further represent, that the report aforesaid, in many other respects, in consequence of its statements being garbled and incomplete, does him, in his conception, very great injustice, and is but too well calculated to create, in the public mind, a false impression greatly to the injury of your petitioner.

Having the constitutional right, as a citizen of the State, (and having had no previous opportunity to do so) to petition respectfully your honorable bodies, for a redress of any grievance your petitioner may have received at the hands either of yourselves or in your honorable predecessors, your petitioner would respectfully ask of your honorable bodies to refer the report aforesaid, which is to be found in the journals of the House of Representatives, of the last session of the legislature, on page 76 of the appendix, together with all the testimony and documents thereunto appended, to a committee, with power to send for persons and papers, in order that *the truth, the whole truth, and nothing but the truth*, in regard to this agency, may be ascertained, and that full and complete justice may be done between him and the authors and endorsers of that report.

And should the facts in this re-investigation be found to be as your petitioner firmly believes they will be, he owes it to himself, to his family and friends, and to his country, to ask of your honorable bodies (*the form, to him, being wholly immaterial*,) that redress to which your honorable bodies may consider your petitioner entitled. And, as in duty bound, your petitioner will ever pray.

Respectfully, your ob't serv't,

A. H. SEVIER.

REPORT

OF THE JOINT SELECT COMMITTEE OF THE GENERAL ASSEMBLY OF
THE STATE OF ARKANSAS, UPON THE PETITION OF AMBROSE
H. SEVIER.

MR. SPEAKER—The joint select committee to whom was referred the resolutions of Albert Rust, requiring a re-investigation of the charges against the Hon. A. H. SEVIER, at the last session of the legislature, and also the petition of said Sevier, praying a redress of grievances, if it shall be found that said charges have done him injustice, have had that subject under consideration, and would respectfully beg leave to submit the following as the result of their investigation.

The committee, on examining this subject, find that the legislature, in 1836, chartered the Real Estate bank of the State of Arkansas; and, for the purpose of enabling the bank to raise capital, on which to commence operations, authorized the central board of directors to receive bonds of the State, from the Governor, and to appoint two commissioners to negotiate and effect a sale of the same. That the central board appointed T. T. Williamson and H. F. Walworth as said commissioners; upon said Walworth's refusal to serve, the board then appointed A. H. Sevier in his place while at the city of Washington, without his knowledge; but being informed of his appointment, he consented to serve, and soon, thereafter, as he was released from his official duties as Senator in Congress, he, with T. T. Williamson, proceeded to the discharge of the trust thus imposed upon him.

On their arrival in the city of New York, these commissioners found it indispensably necessary, in order to effect an advantageous sale of the bonds, to employ a broker. With this view, they employed W. W. Corcoran, a broker and a man of high standing and unquestionable integrity, to sell to the secretary of the treasury five hundred State bonds, for the Smithsonian legacy, and to invest a portion of the proceeds of said bonds in bills of exchange and other funds upon banks in the south and west.

For this service the commissioners agreed to pay Corcoran one per cent. upon the amount so invested. And upon making said sale and investment, Corcoran swears that the commissioners paid him, according to contract, \$5,000, or one per cent., and no more. He farther swears that he made the sale upon the most advantageous terms practicable for the bank, that the exhibit marked A. also B. is a correct table of the investment, and that every cent of money thus obtained was paid over to the commissioners in the city of New York, on the 19th day of September, 1838. Sevier then immediately departed for the west with the sum of \$280,754 22, and the memorandum of Ashley for \$2,000, of Reardon \$1,000, and Dawson \$2,050; leaving the remainder With T. T. Williamson, except the sum of five thousand dollars, which was paid to Corcoran the broker.

Sevier arrived at Louisville, Ky., and there turned over to A. H. Davies, president of the Real Estate bank, the amount aforesaid, and took the receipt of Davies for the same. (See the table marked D.)

According to the testimony of the Hon. Chester Ashley, the aid of a broker was indispensably necessary to effect an advantageous sale of the bonds; and he and Mr. Bertrand contracted to give Mr. Delafield one per cent. to effect a sale of the thousand bonds entrusted to them by the State bank of the State of Arkansas, and a sale without the intervention of a broker was wholly accidental at that time in New York; for there were then in the city large quantities of bonds, on State stocks, for sale, and the advantageous sale, made by Sevier and Williamson, through their broker Corcoran, to the secretary of the treasury, raised the value and gave character to the remainder of the bonds of the State of Arkansas, and was the means of enabling Ashley and Bertrand to sell the thousand bonds for the State bank entrusted to their disposal, and enabled the commissioners, themselves, to sell the other thousand bonds, for the Real Estate bank, entrusted to them, to J. D. Beers, president of the North American Trust and Banking Company. The commissioners left this million of money, in New York, subject to the order of the Real Estate bank. (See Newton's testimony.)

Of the five hundred bonds, sold to the secretary of the treasury, it appears from exhibit A. that the sum of \$280,754 22 was by Corcoran converted into southern and western funds, at various rates of exchange, making the amount so invested equal to the sum of \$290,084 90 or an advance of at least \$9,330 68. And Thomas B. Lee, a citizen of New Orleans, then in the city of New York, under the direction of Williamson, invested the farther sum of \$179,005 67, in southern and western funds, which is equal to the sum of \$186,777 75, or an advance of \$7,772 06. (See the table marked C.)

The majority of the committee, on the resolutions of Mr. Field, made a report at the last session of the legislature, (which report is now submitted to us for re-investigation,) took exceptions to the foregoing proceeding of the commissioners, and charged them with acting beyond the letter and spirit of their instructions. In order to understand fully, and duly estimate the character and force of the imputations upon the commissioners, conveyed in these charges, it is necessary and proper to examine the instructions of the bank, by which the commissioners were to be governed. In a letter, dated Little Rock, February the 20th, 1838, signed by A. H. Davies, president of the bank, and directed to Messrs. T. T. Williamson and A. H. Sevier; informing them of their duties as commissioners, we find the following language:

"In conclusion, I will add that should the prospects of things look gloomy on your arrival in New York, and the prospect for sale doubtful, do not too soon despair, but wait for time to bring about a more favorable period. Our wants at home, you are aware, are great, and greater at this time than we shall feel again for years; and it is with no ordinary hope and suspense that this whole community will await the result of your mission. You, of course, will leave nothing undone to effect its favorable issue. It is necessary, however, that an eye should closely watch the standing, the interest and credit of the

State ; and unless sales can be made on terms as favorable by the State of Arkansas, as is made with other young States, great care should be taken to frame the contracts for a sale of our bonds now, in such a manner as will preserve our credit, and not interfere with the sale of our remaining five per cents., by taking instalments, dividing the profits of the exchanges or some other method, which throws over the transaction a contingency to protect us. Of these things, however, you must be the judges ; being on the spot, you must necessarily know better than ourselves, and with every confidence in your ability, your prudence and discretion, you are left to follow the dictates of your own judgments, and, in all things, to act and to do as may seem to you, at the time, most meet and proper." (See exhibit marked H.)

Would it have been necessary to make the instructions broader, to have enabled the commissioners to act according to their own judgments ? And if they had been so unfortunate as to commit an error, would not those instructions have been a sufficient warrant to excuse them, if they had acted in good faith ? But in this case, the commissioners need no justification whatever ; for in all their acts, thus far, we find them acting with ability and fidelity for the interest of the bank. They acted within the bounds of their instructions, when they sold the thousand bonds to J. D. Beers, president of the North American Trust and Banking Company, and left the same in the city of New York, subject to the order of the Real Estate bank. They acted within the bounds of their instructions, when they invested the proceeds of the sale of the five hundred bonds in southern and western funds ; because they hereby facilitated the operation, and promoted the interest, of the bank. This was the opinion of A. H. Davies, president of the bank, in this report made to the legislature in the year 1838.

They acted within their instructions when, by their services, they not only promoted the interest of the bank by facilitating its operations, but realized, by their investment, a profit to the bank of upwards of seventeen thousand dollars, or according to the opinion of Davies, about twenty thousand dollars. They not only fulfilled their instructions in making such negotiations as to preserve the credit of the State, but the sale to the secretary of the treasury raised the character and value of all the bonds in which the State of Arkansas was interested ; it enabled Ashley and Bertrand to dispose of the thousand State bonds entrusted to them ; and it enabled the commissioners, themselves, to sell the other thousand bonds belonging to the Real Estate bank, to J. D. Beers, as before stated. From the foregoing if it be not evident that the commissioners acted within the bounds of their instructions, we will extract, farther, from the instructions given by Davies as President of the bank, viz., Little Rock, June the 6th, 1838—"The words *receive not less than par value*, will, in the opinion of the board of directors, fully authorize a sale at less than par value abroad, if the sale expresses to receive par value at home, and the bank realizes not less than par value from the proceeds of the sale in specie or its equivalent." And in conclusion of said instructions, Davies uses the following language—"As heretofore, you are again left to exercise your own

discretion and judgment, in all things connected with your mission, and with a hope that it may early terminate favorably." (See exhibit marked I.) With this information before the committee, at the last session of the legislature, (and they had no right to make the charge of transcending the bounds of their instructions unless they knew what the instructions were,) we are at a loss to see how the majority of that committee could have come to the conclusion that the commissioners had not acted within the legitimate scope of their instructions; for, thus far, we see no violation of them in any particular.

With the above facts, and the testimony of Ashley and Dr. Laurie in view, would any unprejudiced sane man, come to the conclusion that the compensation given to the broker Corcoran was unnecessary or extravagant? See his testimony

And the compensation given to Sevier for his services as commissioner, was \$2,000. This, according to the testimony of Ashley and Newton, was not extravagant, and for the great responsibility, risk, and trouble which he underwent in this business, it was certainly nothing but what was reasonable and right.

Upon the amount of funds upon the southern and western banks the Real Estate bank was enabled to realize, and did receive more than par value. And to prove that it was not to the interest of the bank to have had her capital within the vaults of the bank, see the testimony of Field, Roane and Faulkner.

It appears from the testimony of Mr. Woodruff, herewith submitted, that the southern and western banks resumed specie payments on the first day of January, 1839, and continued to pay specie until *
* * * *

Then the bank had ample opportunity to have obtained all her southern and western funds, with the advance aforesaid, if she had desired so to do; and if she failed to avail herself of that opportunity, and there was some loss upon a small amount of Mississippi money it was certainly not the fault of the commissioners. For they had placed her capital convenient to her, and at points suitable to her operations, without loss, cost, or insurance, and this was certainly all that ought to have been expected of them.

The committee also find, from testimony, that A. H. Sevier became a subscriber for stock, in the Real Estate bank, on the 16th day of September, 1837; that his mortgage, to secure the same, was executed to the bank, prior to September, 1837; that the land so mortgaged was valued at the sum of \$32,200; and that he exercised all the privileges of a stockholder in said bank, until 1841; when he transferred said stock to Joel Johnson, with the consent of the bank. (See Newton's testimony.)

The contract between Sevier and the bank was consummated when he became a stockholder, in accordance with the provisions of the charter, and the legal effect of it was, that he became creditor, and the Real Estate bank his debtor, in the full sum of fifteen thousand dollars, equal to one half the value of the land so mortgaged. The contract thus made was binding on both parties, and could not be af-

fect or impaired by any subsequent action of the board of directors, without violating a constitutional provision.

Under this contract, when Sevier turned over the southern and western funds to Davies, at Louisville, as already spoken of, he retained the sum of \$14,300. The majority of the committee of the last session of the legislature, concluded that he had no right to do this; and one of the grounds of their conclusion was, that he had not perfected his stock. Upon this point we would remark that if he had, and exercised, the privilege of a stockholder, as (according to the testimony he had) the mere form of perfecting his title was unnecessary, in order to give him the right to the sum of money aforesaid.

If the committee, in their vigilance, had turned to the pamphlet acts of 1836, page 185, they would there have found an act, passed in aid of titles, giving the persons, to whom a land-office certificate had been given, the power to mortgage the lands, mentioned in the certificate, for stock in the Real Estate bank, in as full and ample a manner, as if the land called for in his certificate was patented; and further providing, that the certificate of the register and receiver in whose district the land lies, should be given, stating their belief as to whether the same would be patented. Hence, we contend, that the mere perfecting of the title to stock did not affect the contract between Sevier and the bank; but we here deem it proper to state, that the failure of Sevier to perfect his stock, was not because his right to the lands mortgaged was questioned; but because of the incompetency of judges Baker and Johnson to sit as judges, and render decrees in the circuit court of Chicot county. See the testimony of Johnson and Baker.

Then it is clear from the above facts, and the acts of the legislature, that Sevier was a stockholder.

The 17th section of the charter of the Real Estate bank, provides, that "each and every stockholder shall be entitled to a credit equal to one half of the total amount of his stocks."

It then appears, that Sevier and the bank stood in all the relations of debtor and creditor, and ought to have been governed by the same law that regulates contracts between debtor and creditor.

There is no principle in civil jurisprudence more generally recognized, or better settled, than that the creditor possesses the right of retaining the money of the debtor in his hands. It is a principle acted on by all classes in the community, and the justice of the practice is as unquestionable as its legality. If the debtor is honest and correct in his dealing, he will not object, because, it is presumed that it is precisely what he would do himself; and if he is unwilling to pay—it furnishes the strongest reason for making the appropriation. The directors and president of the Real Estate bank well knew and recognized this principle of justice, and it is more than likely, that it never would have been questioned, but for the very vigilant committee of the last session of the legislature. The attorney who collects money for his client, is authorized to retain the compensation for his services; and we would ask what reasonable man ever thought of denouncing

it as a breach of trust, or in any way wrong? What man would be listened to, who had malice or folly enough to make the charge? On what ground is the retainer authorized? Obviously because there is a debt due from the client to the attorney, and an implied promise to pay it. We have no fears in asserting that there is no substantial difference between these common cases, and the retention of the stock money by Sevier. In fact he occupies the most solid ground, because, the provision of the charter allowing him an amount equal to one-half of the amount of his stocks, is of an absolute character, and about which there can be no controversy.

And to make the matter still plainer, let it be constantly borne in mind that one million five hundred thousand dollars' worth of bonds had been sold for the benefit of the Real Estate bank. Col. Sevier was a regular stockholder, and, as such, was entitled to fifteen thousand dollars. A portion of the funds of the bank, consisting of exchanges, was in his hands. He was well aware that it was the object of the bank to sell her exchanges at a fair price, as well to him as to any other stockholder. He therefore retained his stock money in exchanges, equivalent to specie, paid the bank the rate of premium required, which is found to have been two and one-half per cent., paid interest in advance from the time he retained the money, and in addition to his mortgage, gave a good stock note with good personal security; and in fact the whole matter was adjusted to the entire satisfaction of the bank; and no word of complaint was heard, until the session of the legislature in 1842. (See Newton's testimony.)

Other stockholders applied for their stock money directly to the bank. They received it in exchanges on commercial points, if they desired it, by paying the interest and premium, and giving a similar note. If they wanted specie at this point, they obtained it. If they chose to receive the notes of the bank, they could have received them and then drawn specie on presentation of the notes at the counter.

In view of this state of the case, as much real objection could be made against the stockholders as against Sevier, for they received the same kind of funds. The only difference is an immaterial one, consisting in this, that, with them, the money passed through the hands of the cashier of the bank in payment of a debt, while with him it was retained, for a like purpose, without that ceremony. In neither case could the board of directors rightfully define what amount of stock money each stockholder should receive, because that matter had been previously regulated and fixed by the charter. Nor had they the right to designate the kind of funds the stockholder should receive; the contract once being made, nothing could be a legal tender but the constitutional currency.

And it further appears, from the testimony, that the retention of the \$14,300 by Sevier gave him no advantage over the other stockholders. (See testimony of Roane and Faulkner.) That it did not deprive them of any right they were entitled to is evident from the fact that every stockholder, who desired it, obtained the full amount to which he was entitled by the charter, and that too in specie or its equivalent.

It is proper in this place to remark, that, in the report of the majority of the committee to the last legislature, there seems to be a studied silence with regard to the sale of the one thousand bonds sold to J. D. Beers, made by Sevier and Williamson, as commissioners for the bank. This was no trifling omission of a fact necessary to be shown. It was vital in its character and imparted plausibility to the few garbled statements in that report. By keeping it out of view, it was easy to deceive those who were not intimately acquainted with the subject; and it most successfully performed its office. The effect of it was to show, first, that the compensation to the commissioners was extravagant; secondly, that the retention of the \$14,300 was more than the proportion to which Sevier was entitled, without being placed in a better situation than other stockholders.

Could it be possible that this omission was accidental? when some of the committee were searching the Real Estate bank for all information on the subject, and not sparing the private correspondence of friends, which it was deemed necessary to make public. To violate the sanctity of private correspondence was without precedent among honorable men; and it is truly hoped that it will be thought unworthy of imitation by any committee hereafter.

The next question that presents itself is, did the bank lose anything by this operation? In answer, we are warranted by the testimony, in stating that, so far from losing a cent, the bank profited on the \$14,300, to the amount of two and one-half per cent. premium, which was \$337 50, paid by Sevier to the bank, and the interest.

The bank saved precisely the latter sum in the same way that it would have done, if Sevier had deposited it in specie, subject to the order of the bank, as some contend he should have done. He could have drawn that sum in specie as his stock money, and the bank would have been obliged to pay the cost of transportation and risk from New York to this place, which would have been two and one-half per cent. It is clear, therefore, that the bank was benefitted in two ways: first, by obtaining the premium demanded on the exchange; and secondly, by saving the cost of transportation; both of which would have amounted to seven hundred and fifteen dollars.

It has been gravely urged by some, that he had no right to take the capital of the bank, either at home or abroad.

What is the capital of the bank? We answer, it was the money derived from the sale of the bonds, and with which the bank was put into operation. If there was any other money means, we have no knowledge of the source from which it was obtained. To declare that the capital of the bank could not be paid to the stockholders on their accounts, is equal to saying they ought not to have been paid at all.— In other words, that repudiation would have been right. It amounts to this, because the capital derived from the disposition of the bonds was all the money belonging to the bank, with which it had to comply with the requisitions of the charter. If the stockholders ought to have been paid in the notes of the bank, the notes could and probably would have been returned immediately by the stockholders, and re-

deemed out of that very capital; and thus, all admit that they could have done this indirectly. And if they could have done it indirectly, why not do it directly?

But, to contend that the stockholders or any other persons could have been compelled to take bank paper on a contract, is at war with the constitution, which provides that nothing is a lawful tender but gold and silver; and no board of directors, court, or legislature can nullify that provision. And to contend, further, that the bank was not bound to redeem the notes paid to the stockholders out of the capital, is in effect declaring a refusal to perform a promise to be lawful and commendable; and effectually to destroy the validity of contracts. Such a doctrine would violate the constitution, introduce and sanction so much bad faith, lead to so many mischievous consequences, overturn so many well settled principles of law, and is so manifestly absurd, that it is hoped no one will hereafter be heard to advance such a doctrine.

The report made at the last session of the legislature, by the majority of the committee, says:—"It is also ascertained from the books of the bank, and evidence before the committee, that A. H. Sevier, at the time he used the \$14,300, had awarded to him by the central board, 300 shares of stock in the bank; but had not, nor has he since, perfected his stock." The report does not undertake to say whether the stock was defective, or whether it was so either in form or substance; but merely makes a sweeping charge, without a solitary specification, knowing, perhaps, that where inferences are to be drawn, mankind, by accident or inclination, generally draw the worst. This short passage of that report is another pregnant proof that but half the story was told. When the very books of the bank, to which the committee had access, told the whole, would it not have been more just and magnanimous, instead of having stated that he had not yet perfected the stock, to have told the whole truth, by stating that Sevier had, by the consent of the board, sold his stock to Joel Johnson, and that Joel Johnson had mortgaged lands to the bank, of equal value, to secure it, and that the latter had never drawn a dollar of stock upon it?

Dr. Paley, in his moral philosophy, and Dr. Adam Clark, in his commentaries on the scriptures, lay down the doctrine that he who tells part of a story, which makes a false impression, and leaves the remainder untold, is as guilty of falsehood as if he wilfully misrepresented the whole matter.

In courts of justice, when a witness suppresses or evades the truth, in any important particular, he is deemed unworthy of credit, and his whole story is disbelieved. Upon this principle it is for your honorable body, and a candid community, to determine whether the report alluded to, does not deserve a similar fate.

The report of an investigating committee, especially where the reputation of a fellow-man is at stake, ought to possess the characteristics which Cicero attributes to an honest historian, "That he should not dare to tell a falsehood nor leave a truth untold." If this just and forcible admonition had been observed by the authors of the report

alluded to, we should have been relieved of this unpleasant inquiry.

The retention of the \$14,300 by Col. Sevier, might alone have been justly vindicated on the simple ground that it was settled to the entire satisfaction of the bank; and that neither the president or any director or stockholder, at that or any subsequent period, ever thought it at all improper, much less a breach of trust.

And if it had been either, or if it had subjected the bank to a loss, is it to be supposed that the directors would have overlooked it? The fact that this transaction was recognized and approved of by the president and directors, the very men whose business it was to detect error and guard the interest of the bank, is the strongest proof to show that there is nothing wrong in the conduct of Col. Sevier. The additional fact that Davies met Sevier at Louisville, received the funds of the bank, and approved of the course of the commissioners, together with a resolution of thanks voted to Davies, was thereby a vote of thanks to the commissioners for the prompt and efficient manner in which they had discharged their duty to the bank; and this was a full and complete sanction of all that Sevier had done, and shows that they did not entertain the most distant idea that he had acted unfaithfully.

The commissioners, while in the city of New York, placed in the hands of Chester Ashley \$2000, in the hands of J. L. Dawson \$2,050, and in the hands of Lambert Reardon \$1000. The receipts of these gentlemen were turned over to Davies at Louisville as cash, all of which amounts were accounted for to the bank, immediately, with interest and premium, to the entire satisfaction of the directors. In the report before referred to, the committee took great exceptions to this transaction of the commissioners. If there was any error here, it is obvious to all, that it was without any wrong intention, for in this they could have no interest. But the question here arises, whether the commissioners had not the right to send the aforesaid money to the State of Arkansas by whomsoever they thought proper, being responsible for the safe delivery of the same? This is so plain a question that it does not admit of discussion. The committee, before referred to, say it was loaned out. Now, if it was loaned out, what right had Sevier to turn the receipts over as cash, to Davies? How was it that Davies received them as cash? and how does it happen that these gentlemen went to the bank for an immediate arrangement of the same? But it is contended that they did not pay the cash down, on their arrival at the bank. It is clearly shown, however, that they arranged the whole matter to the entire satisfaction of the bank, and paid interest and premium on the amount. This shows the responsibility of the agents by whom it was sent; and if the bank saw proper to take their notes, with interest and premium, this was no business of the commissioners. If the commissioners sent the money by responsible agents, without loss or cost to the bank, they certainly discharged their duty. And if these agents paid interest and premium on their respective amounts, (which they certainly did), the commissioners not only fulfilled their duty, but they made the agency a profitable one to the bank. If, then, the sending of the above sums

of money operated to the advantage of the bank, and to the disadvantage of no person, we see no just reason why the committee should have been disposed to magnify this into an error or fault of the commissioners. But it appears from the report that the committee were, unfortunately, disposed to find fault. They thought that the allowance to Corcoran was unjust and extravagant. In another part of the report, they find great fault because they could see no direct charge for the services in the conversion of the \$500,000 into southern and western funds, although it appears, by Corcoran's testimony, that the sale and conversion was an entire contract, and that the amount paid for services was one per cent.

Because the committee could see no direct charge for the conversion by the broker, they jumped to the conclusion that the commissioners had some object in view besides the promotion of the interest of the bank, and in a style at once novel, pompous and poetic, unparalleled in any report of the legislature, and it is to be hoped never to be imitated, cast dark insinuations against the character and integrity of the commissioners, when, according to the facts before us, their conduct, in this particular, is as clear as noon-day, and entirely fair.

The committee should have possessed themselves of the facts we now possess, or have omitted these insinuations; for they never should have reported upon a matter of so much importance to the character of a fellow-man, without knowing the facts; for the simple truth in this particular case saves the trouble of all the show and parade of words, and of those unjust and dark insinuations against the commissioners. An omission of facts, and a misconstruction of the testimony they actually possessed, are the most objectionable features to that report.

The testimony of Newton, Rapley and Corcoran, the production of all the checks herewith submitted, and the letters of Jacob Little & Co., clearly show that there was no speculation in the exchanges for southern and western funds, and that Peter Hanger was mistaken, or knew nothing about the amount of discount on southern and western bank paper at the time of the aforesaid investment, in the city of New York. Then we are bound to come to the conclusion that there was not one particle of testimony to sustain the unjust insinuation of speculation.

This is one of those unfortunate cases that the legislature possesses no power to give adequate redress for the unjust prejudices to which the petitioner has been subjected, nor for the mortification endured by himself, his family, kindred and friends. But, inasmuch as we are of opinion that the report made by the majority of the committee at the last session of the legislature, was partial, and their conclusions and deductions, from what testimony they had, were unfair, illiberal, ungenerous and unjust, we recommend the adoption of the following resolution, to wit:

Resolved, That in the opinion of this House, there is nothing in the acts and doings of Col. Sevier, as commissioner for the disposal of the bonds, deserving of blame or censure; but, on the contrary, this

House feel warranted, from a full investigation of the whole matter, in approving of the course pursued by said Sevier, who, in the opinion of this House, acted in good faith, with an eye single to the general interest of the State and the bank; and that the Senate be requested to concur herein.

JAS. YELL, *Chairman*.

ROBERT McCAMY,

HANS SMITH,

A. G. MAYERS, *Chairman*.

WM. W. FLOYD,

W. H. SUTTON,

WM. B. MARSHALL,

A. B. GREENWOOD,

} OF THE SENATE.

} OF THE HOUSE.

I subscribe to the foregoing, reserving the right to except to the style and argument of the same.

J. B. LAMBERT.

DOCUMENTS

ACCOMPANYING THE REPORT—INCLUDING THE TESTIMONY.

The joint select committee raised to act upon the petition of the Hon. A. H. SEVIER, and upon the resolution of Mr. Rust, organized, by electing A. Rust, Chairman, and appointed A. B. Greenwood, secretary, and proceeded to business—a quorum being present.

Col. T. W. Newton was sworn to give testimony before the committee, when the following questions were propounded to the witness:

Interrogatory 1st. What time did A. H. Sevier become a subscriber for stock in the Real Estate bank, and what amount did he subscribe for; and when did he execute his mortgage to the bank; and what was the value of the land mortgaged; and by whom was the land mortgaged, valued, &c.?

Answer. A. H. Sevier became a subscriber for stock, as appears by the schedule, prior to the 16th day of September, 1837. He subscribed for 300 shares. His mortgnge was executed prior to September, 1837. The value of the land mortgaged was \$32,200.

Int'g. 2d. Did A. H. Sevier exercise the functions of a stockholder of said bank, and continue to do so, until 1841, when he transferred his stock to Joel Johnson, of Chicot county, in the State of Arkansas?

Ans. I believe he did.

Int'g. 3d. What time did the Real Estate bank commence its operations?

Ans. Commenced discounting 10th December, 1838—the bank had previously been organized and business was done by them.

Int'g. 4th. What amount of bonds of the Real Estate bank was sold by A. H. Sevier and Gen. T. T. Williamson?

Ans. Fifteen hundred bonds, of \$1,000 each.

Int'g. 5th. How much of the funds of said bonds was converted by A. H. Sevier and Gen. T. T. Williamson jointly, and how much separately by Gen. T. T. Williamson; and what quantity of said proceeds was left in the bank at New York subject to the disposition of said bank, and how much was disposed of by the bank?

Ans. The funds invested by the commissioners, Sevier and Williamson *jointly*, and by Williamson separately, are specified in the accounts reported by the committee to the General Assembly at the session of 1842, and are to be found in appendix to House journal, pages 87, 88, 89, 90, 91, 92 and 93. The proceeds of one million was left on deposit in the North American Trust and Banking Company and was drawn from time to time by the bank.

Int'g. 6th. Did all of the stockholders of said bank, who desired it, receive out of the proceeds of the bonds sold by A. H. Sevier and Gen. T. T. Williamson, the full amount of their stock?

Ans. The notes of stockholders, when presented under the rules of the board, were discounted for the amount to which they were entitled under the charter, which was one-half of the stock secured.

Int'g. 7th. Were all the bonds belonging to the bank, except the 500 which was subsequently disposed of by Messrs. Harris, Drennen and Witter, for the purpose of putting the Van Buren branch of the Real Estate bank in operation, and the thirty sold by the bank to Col. Johnson, disposed of by A. H. Sevier and Gen. T. T. Williamson?

Ans. They were.

Int'g. 8th. Was A. H. Sevier ever at any time a director of the Real Estate bank or any of its branches?

Ans. No.

Int'g. 9th. Were you clerk or cashier of the Real Estate bank, at Little Rock, from its commencement to its close as a banking institution?

Ans. I was first a clerk and afterwards cashier, from the 2d December, 1838.

Int'g. 10th. Was A. H. Sevier present, or was he absent at the city of Washington, at the time of the settlement of the accounts of Messrs. Sevier and Williamson as bank agents, in the month of Dec., 1838?

Ans. Col. Sevier was, at the time referred to, I believe, in Washington city.

Int'g. 11th. Was the allowance of \$2,000 to A. H. Sevier, as his compensation for the sale of one and a half millions of dollars of the bonds of the bank, a voluntary act on the part of the directors; and was it, in your opinion, a reasonable or extravagant allowance; and was it known at that time that he (Sevier) and his associate (William-

son) had paid to Corcoran, a broker, for the services he rendered to the commissioners, the sum of five thousand dollars?

Ans. The allowance of \$2,000 to A. H. Sevier, as commissioner, was made by the directors in his absence, and I therefore presume it was a voluntary act on their part; and they knew of the payment to Corcoran, as it was included in the account. I have never looked upon the sum of \$2,000 as extravagant, unconnected with the compensation to Corcoran, about which I have no opinion to give.

Int't. 12th. Have all the agents of the bank received a compensation for their services, and, if so, what amounts have been allowed by the bank, to Harris, Drennen and Witter, for selling five hundred bonds?

Ans. The amount allowed to Harris, Drennen and Witter, for disposing of the 500 bonds, is as follows: C. A. Harris, for his expenses \$360 25; to John Drennen, \$1,000; and to D. T. Witter, \$1,000.

Int'g. 13th. Were the accounts and tables which are printed in the appendix of the journal of the last legislature, and which are now before the committee, laid before the bank, and filed and recorded in December, 1838, in the bank, and were they at all times accessible to the directory and stockholders and officers of the bank?

Ans. They were.

Int'g. 14th. Was there, at the time, or has there been since, any dissatisfaction expressed, on the part of any of the stockholders or directors, with those accounts or tables, and if so, please state by whom?

Ans. I have never heard the subject talked about in the bank among the directory or the stockholders.

Int'g. 15th. Did Ashley and Reardon, and Dawson and Hanger, each of whom received of the commissioners *jointly* or separately, certain sums of the money of the bank in New York, in the autumn of 1838, settle satisfactorily to the bank, for each of those respective sums of money, and pay to the bank interest upon the same from the time of its receipt to its payment, together with the rate of exchange which the bank required for it?

Ans. The several sums of money were all settled to the satisfaction of the bank, and, I believe, in each instance, interest and exchange were added.

Int'g. 16th. Was the bank injured or benefitted by the loans referred to in the 4th interrogatory; and did the commissioners, in any respect, profit by them?

Ans. I do not think the bank was injured by the loans to Ashley and Reardon, Dawson and Hanger, and I do not believe the commissioners were profitted by them.

Int'g. 17th. Was the retention by A. H. Sevier of \$14,300 on his stock account, approved of by the bank at the time of its commencement, or was it a matter of censure by the board, and is there anything on the books of the bank expressing censure or disapprobation?

Ans. The retention of the money spoken of in the question, was not a matter of censure in the bank, so far as I know, and there is nothing in the books of the bank expressing censure or disapprobation.

Int'g. 18th. Was A. H. Sevier absent from Little Rock, in December, 1838, when the bank went into operation, and did he, on his return from Washington to Little Rock, in the spring of 1839, close his stock account for \$14,300, by executing his note, with approved security, in conformity to the established rule of the bank; and in that note did he (Sevier) include interest from the time of the receipt of that money up to the day of the execution of his note, together with the same rate of exchange that the bank charged to all others who received New York funds of the bank?

Ans. I believe Col. Sevier was absent from Little Rock at the time specified. In answer to the remainder of the question, I copy the following order from the minutes of the central board, dated 11th May, 1839, viz:

“Ordered, That the note of A. H. Sevier, dated this day, with Benjamin Johnson and Robt. W. Johnson as securities, having nine months to run from the 15th December, 1838, for the sum of \$15,831 38, be discounted, the nett proceeds, amounting to \$14,872, being intended to cover the balance remaining in the hands of said Sevier, as one of the commissioners to sell State bonds, as shown by the account of said commissioners and of the finance committee, which amount includes the same rate of interest and exchange that the bank charged to others.”

Int'g. 19th. When the branch banks went into operation, was the note of A. H. Sevier transferred to the Chicot branch of the Real Estate bank, of which county he was then a citizen, as were the notes of other stockholders and debtors, who reside in that county as a part of the funds of said bank?

Ans. It was transferred to the branch at Columbia.

Int'g. 20th. What time did A. H. Sevier sell his stock to Joel Johnson?

Ans. His transfer to Joel Johnson is dated 23d February, 1841.

Int'g. 21st. Was the land which had been previously mortgaged to the bank, released from said mortgage by the bank, and did Joel Johnson substitute a tract of his own land in lieu, and was this arrangement satisfactory to the bank?

Ans. On the 6th April, 1841, the board of directors at Columbia received the lands of Joel Johnson in lieu of those previously mortgaged by Col. Sevier to secure his stock, and this was satisfactory to the bank.

Int'g. 22d. When Sevier sold out his stock to Joel Johnson, in 1841, how was his stock debt and his other liabilities to the Chicot bank secured?

Ans. They were secured by a deed of trust on 1,164 acres of land and 27 negroes, which deed is dated 6th April, 1841.

Int'g. 23d. Was the security for this debt to the bank deemed ample at the time, and is it still so considered?

Ans. The security was approved by the board at Columbia on 6th April, 1841, and I believe has always been, and is now, considered sufficient.

Int'g. 24th. What kind of funds did the stockholders receive of the bank on their stock account? Had they the option of receiving it in the notes of the bank, or in specie, or in checks upon New York, New Orleans, Natchez, Louisville or Cincinnati, by paying such premiums for their checks, as the bank required? And did any of the stockholders receive, on their account, any of such funds?

Ans. While the bank was paying specie, the stockholders received the notes of specie paying banks, or exchange on the points mentioned, by paying the usual rates.

Int'g. 25th. Did every stockholder of the bank, who desired it, receive of the bank precisely such funds as A. H. Sevier received, and did he (Sevier) pay the same rate of exchange that all others paid for such funds?

Ans. As I have stated in my last answer, they received specie or exchange when the bank was paying specie, and Col. Sevier paid the same rate of exchange that others paid.

Int'g. 26th. At the time of the settlement of A. H. Sevier of his agency as a commissioner of the Real Estate bank, or at any time prior to the meeting of the last legislature, which was in 1842, or four years after his agency had ceased, had there been any charge against him by any stockholder, or director, or officer of the bank, that he had been guilty of a breach of trust, or had violated his instructions as agent of the bank, or had conducted his agency in a bungling, unskilful and unfaithful manner, or through his instrumentality as agent of the bank, had contributed to its overthrow, and if so, by whom said charge was made, and when?

Ans. I do not recollect of having heard any charge made against Col. Sevier in regard to his transactions as bank commissioner previous to the session of the General Assembly in 1842.

Int'g. 27th. Was the sale of the bonds of the bank, the conversion of a portion of the proceeds of said sale into southern and western funds, and the acts of A. H. Sevier as agent in regard to the whole matter, approved of by the bank at the time; and have any of the stockholders or directors complained of it since, or censured it, and if so, who of them?

Ans. I do not remember to have heard the conversion of the money in New York into southern and western funds, complained of by any one prior to 1842, and to my knowledge, it was never made a matter of discussion in the board of directors, or by the stockholders.

Int'g. 28th. What was the average rate of discount upon Arkansas money in New Orleans, Louisville, Cincinnati, and the eastern cities, at the time the Arkansas banks paid specie?

Ans. I think about ten per cent.

Int'g. 29th. Did the bank receive at par the bills of specie paying banks of the south and west during its existence as a specie paying bank?

Ans. Such bills were received on deposit, and paid out in kind.

Int'g. 30th. Did the bank sell its exchange for such funds, and did

it discount notes and bills of individuals, and pay out its exchanges, adding the rate of exchange upon it?

Ans. No. It sold its exchanges for its own notes or specie, the State bank notes being taken at par. In many instances, notes and bills discounted were paid in exchanges at the usual rates.

Int'g. 31st. What was the average proportion of notes of the bank, in circulation at the time the bank paid specie, to its specie means?

Ans. Taking the months of May and November, 1839, as the basis of calculation, about dollar for dollar.

Int'g. 32d. Were there any runs upon the bank for specie, during the time that the bank paid specie, by the note holders in New Orleans, Louisville, Cincinnati, &c., and traders in the State, and brokers and merchants, &c., &c.? Did the specie diminish or increase, so long as the bank had funds in New Orleans, New York, &c., to draw upon?

Ans. There were frequent demands upon the bank for specie by all classes of note holders. The specie did not increase in proportion as the exchanges diminished, the notes of the bank being constantly returned upon her; for example, from May to November, 1839, the circulation decreased nearly ninety-five thousand dollars, the specie upwards of \$21,000, and the exchanges nearly \$170,000.

Int'g. 33d. Was the bank injured or benefitted by having her specie means in the commercial cities out of the State subject to her order, instead of having it in the vaults of her banks at home?

Ans. She certainly was not benefitted in her general credit or standing. The specie actually in the vaults of the bank is considered the safest fund to make issues of bank notes upon, payable on demand. Large holders of notes might prefer exchange even at an advance—small holders generally desire to have the specie at the counter of the bank. The fact that the Real Estate bank commenced her issues on the *paper* and *credit* of distant banks, was, in my opinion, injurious to her stability.

Int'g. 34th. Did the bank lose or gain by the exchanges made by the commissioners, of the eastern funds of the bank, into southern and western bank paper, and how much either way?

Ans. The gain to the bank, is exhibited in the tables appended to the report of the committee to the last legislature.

Int'g. By the tables and report of the committee of the last legislature, it appears that a profit of over nine thousand dollars, was made by the commissioners, on the conversion of two hundred and seventy thousand dollars, by Corcoran, for said commissioners, of the New York funds into southern and western bank paper; was that the *only* profit made by that transaction?

Ans. A portion of the funds received from the commissioners by Mr. Davies, was deposited by him in Cincinnati and Louisville, and afterwards drawn upon by the bank, at an advance on Arkansas money.

Int'g. 35th. At what time in 1839, did the Real Estate bank suspend specie payment, and why did the bank suspend?

Ans. The bank at Little Rock suspended on the 2d day of November, 1839, and the reason, as stated by the directory, on the minutes, was the suspension of the banks of the adjoining States.

Int'g. 36th. Did the banks in the south and west of Arkansas, and upon which the Real Estate bank had notes and checks, pay specie at the time the Real Estate bank commenced, in December, 1838, and how long did they continue to do so?

Ans. My recollection of the matter is, that the southern and western banks were in a state of suspension, at the time the Real Estate bank went into operation, and so continued, until the spring of 1839, a partial resumption then took place, which lasted until Sept. or October, of that year, when a general suspension again took place.

Int'g. 37th. Did the Real Estate bank in Arkansas, during the time that the western and southern banks, upon which it had checks or notes, pay specie, obtain of these banks specie, or its equivalent, for these checks or notes, and if not, why was it not done, and if any of these checks or notes were not paid, during that time, what is the amount of these checks or notes, of whom were they received, and by what banks are they due, and to which of the banks of Arkansas?

Ans. No specie was obtained on them within my knowledge—none of the checks are on hand.

Int'g. 38th. Were not the checks and notes which were obtained for the Real Estate bank, upon the south and west, upon commercial and convenient points, and upon navigable rivers within a few days travel of Little Rock, and were not these funds of the bank transferred from these points without loss, or any charge to the bank for freight, commission or insurance?

Ans. They were upon commercial points, easy of access by water, from Little Rock, and the funds, I believe, were transferred from New York to these points without loss or charge of freight, &c., &c.

Int'g. 39th. Has the Real Estate bank, or any of its branches at this time, or had they at the meeting of the legislature, in 1842, any of the notes or checks, which were received of A. H. Sevier by the president of the bank at Louisville, Ky., in October, 1838, for, and on account of the Real Estate bank, and if so, which one, and what amount, and upon what bank?

Ans. There was a small amount of Mississippi money on hand at Helena, in 1842, and the same is still on hand, and I was under the impression that it was a part of the money received from the commissioners, but of this, I have no certain knowledge. None of the checks are on hand at any of the offices.

Int'g. 40th. In answer to an interrogatory of the committee at the last session of the legislature, you state, that the conversion of the eastern into southern and western funds, operated *undoubtedly* to the reverse of the interests of the bank. This answer appears to have been *italicised*—was it *italicised* by yourself, or by the bank committee, or by the printer?

Ans. I cannot say certainly, that I did not *italicise* the words, but my impression now is, that I did not. I therefore cannot say by whom it was done.

Int'g. 41st. You do not state the grounds of your opinion upon the subject of the conversion of those funds. Will you state upon what ground your opinion was founded, and whether the directory were of the same opinion upon the subject of this conversion, and if so, please to state why the million of money which was left in New York, subject to the order of the bank by the commissioners was not brought to Arkansas in specie, and if deemed injurious to the bank, why was that million drawn for by the bank in the ordinary mode?

Ans. The grounds of my opinion in relation to the conversion of the funds, are briefly given in response to the interrogatory of this investigation. What opinions were held by the directory on the subject, I am unable to state, not having heard any expressed by them, neither am I able to say why they left the whole of the million in New York to be drawn for in the ordinary mode.

Int'g. 42d. In your former examination, you stated that the funds of the bank were loaned out as fast as possible, and that a portion of these funds are on hand yet. Will you state which of the funds were loaned out as fast as possible, and of whom were they received, and if any of these funds were disposed of at less than par value to the bank, and also, what is the amount and description of these funds yet on hand, and by what bank are they held, and of whom were they received?

Ans. I alluded to the funds paid over to the bank by Mr. Davies, as that received by him from the commissioners, and it was loaned out as I have stated, for the simple reason, I presume, that, being upon banks of the south and west which were in a state of suspension, it would have been running some risk to retain it on hand for any length of time. The remainder of the question has been previously answered by me.

Int'g. 43d. Did the president, or any other person for the bank, with the funds received of A. H. Sevier, at Louisville, Ky., in October, 1837, purchase for the bank southern money, and if so, state whom and what amount, and upon what banks, and whether any loss on said operation accrued?

Ans. I have an impression on my mind, that Mr. Davies, or some one for him, did re-invest a part of the funds received from A. H. Sevier, at Louisville, but have no certain knowledge on the subject.

Int'g. 44th. In what character were the acts of A. H. Sevier, as agent in the negotiation of the bonds of the Real Estate bank, considered by the bank, and to which power, the State or the bank, in the matter of the sale of the bonds, &c., was the said Sevier considered accountable and responsible?

Ans. Understanding the question to include myself as an officer of the bank, I depose unhesitatingly, that whilst I have ever viewed the acts of A. H. Sevier, one of the commissioners, in converting the capital of the bank into the notes and checks of the suspended banks, in the south and west, as unwise and improper, and injurious in the highest degree to the credit and stability of the Real Estate bank—I have never for a moment believed that he was actuated in it by impure

motives, or that he was individually profitted by the transaction. He was, I suppose, accountable for his acts to the power which appointed him—the bank.

Int'g. 45th. Were his acts as agent throughout, from the beginning to the close, approved of by the bank, and did he receive of the board, directly or indirectly, a vote of thanks in that capacity?

Ans. As I stated on a previous examination, there is no distinct resolution of the board expressing approval of the course pursued by the commissioners. There is a resolution, however, on the 14th May, 1839, which approves of the acts and proceedings of the committee of finance, and of the accounts rendered by it through the chairman, (Mr. Davies) of their management and disposition of the funds of the bank, and also a vote of thanks to Mr. Davies, as president.

Int'g. 46th. Was the vote unanimous?

Ans. It was, with the exception that Messrs. Williamson, Rapley, and Biscoe declined voting on the first, as they had formed a part of the committee of finance. The resolution of thanks to Mr. Davies was unanimous.

Int'g. 47th. Were the stockholders and directors of the Real Estate bank pretty equally divided in their political opinions, and was there at all times, during the existence of the bank, prominent and leading politicians of both of the great parties which divide the country, stockholders and directors in said bank?

Ans. This is a matter that I have never thoroughly investigated. A large majority, however, of the directory of the bank, and of the central board, have belonged to the democratic party. Prominent men of both parties have been in the directory, and are stockholders. I will add, that I have never known any attempt or disposition to make the bank a party machine.

Int'g. 48th. Who composed the committee that drew up the instructions for the commissioners?

Ans. Messrs. Anthony H. Davies, Sam. C. Roane, and Charles Rapley, were appointed such committee.

Int'g. 49th. Were A. H. Davies and Sam. C. Roane in the convention which formed the State constitution; in which constitution provision was made for the Real Estate bank, and were they members of the legislature at which the charter was passed, and were they officers of the bank when they drew up the instructions, and did they continue to be officers of the bank until the commissioners had closed their labors?

Ans. They were members of the convention, and also of the legislature, and they were directors of the bank, and so continued, to the close of the labors of the commissioners.

Int'g. 50th. In the published document, there is a letter dated at Washington city, in March, 1838, to Anthony H. Davies, at Columbia, in Chicot county, from A. H. Sevier. Please to state when that letter was first seen by you, where it was found, and by whom, and when was it filed as a bank document?

Ans. The letter alluded to was first seen by me during the investi-

gation by the committee at the session of 1842; it was found in the bundle with the accounts and papers of the bank finance committee, of which Mr. Davies was chairman; there is an endorsement of the date and name on the back of the letter, in the hand writing of the late cashier, Carey A. Harris, deceased, and I have no doubt the letter was placed in the bundle by Mr. Davies or Mr. Harris, about the time the accounts of the commissioners were settled, and had there remained. Prior to the investigation of the committee in 1842, I had no occasion to look into this bundle of papers; but when the legislature ordered the investigation, I was requested by the trustees of the bank to lay before the committee every book and paper which might throw any light upon the subject. The whole bundle of papers were before the committee, this letter among them, and it was copied by me with the other documents, at the request of the chairman of the committee.

Int'g. 51st. Did the bank, for a considerable time after it commenced operations, deem mortgages upon land held by patent certificates alone, and upon land for which patents had issued, and for which the patentee had given bond to convey to the stockholder who was the purchaser, good and valid, and were there many of the stockholders who held their mortgaged land by said titles?

Ans. I believe such mortgages were considered sufficient by the directory, until some time in 1840. There were, I believe, a good many of the mortgages of the stockholders in this condition.

Int'g. 52d. Was the bank in a state of suspension in 1840, when A. H. Sevier transferred his stock to Joel Johnson?

Ans. It was.

Int'g. 53d. Did Joel Johnson, upon the stock he purchased of A. H. Sevier, receive any money of the bank, and if so, how much?

Ans. Joel Johnson never received any money on the stock purchased of A. H. Sevier.

Sandford C. Faulkner being duly sworn, deposeth and saith:

Int'g. 1st. Were you a director of the branch of the Real Estate bank at Columbia from the commencement of that branch till it ceased to be a banking institution, and if so, state whether it was put in operation with the funds obtained from A. H. Sevier and T. T. Williamson, commissioners who sold the bonds of the Real Estate bank?

Ans. I was a director in the branch of the Real Estate bank at Columbia from the time it commenced operations, and it went into operation upon part of the funds obtained from A. H. Sevier and T. T. Williamson, commissioners who sold the bonds of the Real Estate bank.

Int'g. 2d. Did the branch at Columbia realize par value upon all the funds had of Sevier and Williamson; and was there any loss upon any of it; and did the branch, upon any of it, realize a premium; and if so, state what it was?

Ans. The branch at Columbia received par value for all the funds turned over to it, upon which it commenced operations, with the exception of one hundred and fifty thousand dollars in the Pennsylvania

bank of the United States paper, and upon that we obtained a premium of, I think, one per cent.

Int'g. 3d. Is there in the branch at Columbia any of the money had of said commissioners, which the bank has been unable to dispose of; or was there any in 1842; and if so, what kind of money is it, and what is the amount?

Ans. There is not now, neither was there in 1842, any of the money obtained from said commissioners, in the branch at Columbia.

Int'g. 4th. Are you now one of the trustees of the Real Estate bank? and in that capacity do you not know what kind of unavailable funds are on hand, if any, and if so, please to state whether there is, or was in 1842, in any of the branches, or in the mother bank at Little Rock, any of the funds received of A. H. Sevier and T. T. Williamson on hand, and if so, what is the kind and quantity of said funds?

Ans. I do not know of any of said funds on hand, either now or in 1842; I believe there is a small amount of unavailable funds on hand at Helena, but I cannot state how it was obtained, or the kind or quantity.

Int'g. 5th. Do you think the exchange of a portion of the eastern funds into exchanges upon the south and west, operated injuriously or beneficially to the interest of the bank?

Ans. I am of opinion that it operated beneficially.

Int'g. 6th. What time did the bank at Columbia commence operations, and what time did she stop specie payments?

Ans. The branch at Columbia went into operation, to the best of my recollection, in the latter part of February, or first of March, 1838, and I think we stopped specie payments in November or December following.

Int'g. 7th. Were not the funds furnished by said commissioners on banks convenient to Arkansas, and on navigable streams, and within a few days travel by steamboats from Arkansas?

Ans. So far as I know, they were.

Int'g. 8th. Did not the bank charge and receive premiums upon the funds of the bank at those points, and if so, what was the amount of such premiums?

Ans. The bank charged and received premiums upon Cincinnati, Louisville, and New Orleans, but I do not recollect the different amounts of premiums on each of those points.

Int'g. 9th. Did you receive such portion of your stock money as you desired on New Orleans, and on that sum did you pay such premium as the bank required?

Ans. I did.

S. C. FAULKNER.

A. E. Thornton being duly sworn, deposeth and saith:

Int'g. 1st. Were you a director of the branch bank of the Real Estate bank at Washington, in 1839, and if so, will you state whether that branch commenced operations on funds which were obtained by A. H. Sevier and T. T. Williamson, for the Real Estate bank, and whether the bank did not realize par value for the same?

Ans. I was a director of said branch bank at Washington during the year 1839, and said branch bank commenced operations on the funds obtained by Col. Sevier and Gen. Williamson, for the Real Estate bank, and that said bank did realize par value for the same.

Int'g. 2d. So far as said branch bank did not draw specie on said funds, did they sell exchange for the balance or discount upon it, at a premium?

Ans. The said branch bank did sell exchange at a premium, for the balance of the funds of said branch bank not drawn in specie; said premium was at the rate of two and a half per cent., as well as I now recollect.

Int'g. 3d. Is there now, or was there then, in 1842, any of that fund undisposed of by that branch of the Real Estate bank; and if so, what amount and what kind of funds?

Ans. I am of opinion that all that fund was disposed of previous to 1842.

A. E. THORNTON.

Sam. C. Roane being duly sworn, deposeth and saith:

Int'g. 1st. Were you a member of the committee for drafting instructions to the commissioners who were appointed to sell the Real Estate bank bonds, in 1838? Who acted in drawing the instructions for the commissioners who sold the bonds of the bank? And were you an officer in the bank when the commissioners closed their labors in the fall of 1838?

Ans. 1st. I was an officer of the Real Estate bank in the year 1838. I was one of the committee appointed by the directors of that institution to draft instructions to the commissioners who were entrusted with the sale of the bonds.

2d. Mr. A. H. Davies, the then president of the bank, was the chairman of that committee. Mr. Rapley, I think, was the other member of that committee. Mr. Davies drew up those instructions. So far as I was concerned, I gave my assent to those instructions, and I believe they were approved by the board.

3d. I continued to be director in said bank, but resigned my seat in the central board, and was succeeded by the Hon. B. Johnson.

Int'g. 2d. In that affair, did you or any of the directors consider that in the sale of these bonds, or in the conversion of a portion of the proceeds of said sale into southern or western funds, that said commissioners had exceeded their instructions?

Ans. As far as my recollection now serves me, the directors of that institution were satisfied with the proceedings of the commissioners, nor did I ever hear any dissatisfaction expressed on the subject, until long afterwards.

Int'g. 3d. Did you, at that time, or at any time prior to 1842, hear any thing against the commissioners about a violation of their instructions, or a breach of trust, or of speculation upon the bank, by profits upon the exchanges? And from your knowledge of the affairs of the bank, do you believe that they did either?

Ans. I believe that the first charge that I ever heard against the commissioners was at or during the session of the legislature in 1842.

I never did, nor do I now, from my knowledge of the circumstances believe that the commissioners speculated on the funds of the bank for their own individual interest.

Int'g. 4th. Do you believe that those exchanges injured the bank, or had they the contrary effect?

Ans. From the mode adopted of doing business in the bank, I never supposed that the exchanges had any injurious effect on said bank. I believe the bank would have broken at any rate.

Int'g. 5th. Do you believe that the money into which the original funds for which the bonds were sold were converted, was loaned out at less interest to less responsible persons, on account of the character of that money?

Ans. All the funds paid over for the use of the bank were sold, as far as my knowledge extends, at a premium. I paid a premium for part of those funds on Louisville, Ky., and on Cincinnati.

SAM. C. ROANE.

William Field being duly sworn, deposeth and saith:

Interrogatory 1st. Were you the president of the State bank in 1838, and have you been an officer ever since in that bank?

Answer. I was president of the State bank in 1838, and continued as such for some years, but during a part of the years 1842 and 1843, I was not an officer in the bank.

Int'g. 2d. What time did the State bank commence operations, and in what kind of funds, and when did the bank first suspend specie payments, and when did it resume and again suspend?

Ans. The principal bank at Little Rock commenced operations on the 8th day of August, 1837, by the issue of 12 months post notes, and some for \$5 notes, payable on demand. On the 1st day of January, 1839, the principal bank commenced the payment of specie upon all her issues—she suspended on the 7th day of November, 1839, and resumed again on the 1st day of October, 1840, and continued to redeem her circulation until placed in liquidation by the legislature.

Int'g. 3d. Was there any motion made by any one during the time the bank was drawing for funds, to send to New York for them, and bring them here in specie?

Ans. There never was such a motion made, as far as my recollection serves me.

Int'g. 4th. Would it have been to the interest of the bank to have had the specie brought on, instead of drawing for it?

Ans. It would not.

Int'g. 5th. When did the State bank commissioners, Messrs. Ashley and Bertrand, sell the 6 per cent. bonds; and where and to whom, and how and in what manner, did the bank obtain the proceeds of the sales of said bonds?

Ans. The commissioners, Messrs. Ashley and Bertrand, made a sale of the 6 per cent. bonds of the State, for the use of the State bank, on the 29th day of August, 1838. They were sold to J. D. Beers, president of the North American Trust and Banking Company of the

city of New York—the proceeds of the sale (with the exception of some \$50,000 brought on to place in the branch of the State bank at Arkansas, and some small payments made for the State bank in New York and elsewhere,) were drawn for by the bank and branches, at such times and in such sums as they required.

Int'g. 7th. Who were the directors of the State bank, at Little Rock, in 1838?

Ans. The legislature, in the fall of 1838, elected as directors of the State bank at Little Rock, Sam'l M. Rutherford, David Fulton, Peter T. Crutchfield, Lambert Reardon, Charles P. Bertrand, F. W. Trapnall, John W. Johnson, Lorenzo Gibson, Thomas Thorn, William Gilchrist, John Anderson and James B. Galloway; and William Field as president. The whole were elected for two years, and until their successors were elected and qualified.

Int'g. 8th. Were any of the directors above named members of the legislature in 1840?

Ans. I think Lorenzo Gibson was a member in 1838—in 1840, Charles P. Bertrand and Lorenzo Gibson were members of the legislature.

Int'g. 9th. At what rate was the exchange on New York derived from the sale of the six per cent. bonds sold by the State bank?

Ans. The first exchange sold at 10 per cent. premium for the post notes of the bank, and $2\frac{1}{2}$ per cent. premium for specie. The exchange gradually declined, until it got down to from 4 to 2 per cent.

WM. FIELD.

The following is the evidence of William E. Woodruff:

Interrogatory 1st, by A. H. Sevier. At what time did the banks of the south and west resume specie payments, after the 1st Sept., 1838?

Answer. Agreeably to the best of my recollection, all the strong banks of the south and west resumed specie payments on or before the 1st of January, 1839—tho' a good many of them, I believe, resumed some weeks earlier. By *strong banks*, I mean such banks as resumed at all. The Brandon and a few others, I believe, did not resume.

Int'g. 2d, by A. H. Sevier. What was the rate of discount at New Orleans, on the notes of the west and south, about the time the Real Estate bank went into operation?

Ans. By reference to the Arkansas State Gazette, of 21st November, 1838, I find an article under the head of "New Orleans Money Market," dated 7th same month, in which I find the following quotation:

Louisville, Cincinnati, Illinois and Indiana banks,	par.
U. S. bank notes,	$\frac{3}{4}$ a 1 prem.
U. S. treasury notes,	2 a $2\frac{1}{2}$ "
Mississippi river banks, Tenn. banks,	5 a 6 dis.
Alabama banks,	4 a 5 "
Arkansas "	8 a 10 "

These quotations correspond with my recollections of the value of

banks notes at the time. I recollect, besides, that, when the Real Estate bank commenced discounting, (about 10th December, 1838,) all the notes she issued were payable in specie, on demand. She had a pretty large amount in notes on banks in Cincinnati, Louisville, New Orleans, &c., and those notes were sought by several, if not all, our merchants, with avidity, in exchange for specie at par. I was a director of the bank at the time, and believe that every dollar of the notes on the banks above named, were passed off at par, or at a premium of 1 or 2 per cent. for her own notes, which were payable in specie.

Col. Chester Ashley sworn. States, he was in New York as a commissioner to sell bonds issued by the State of Arkansas to the State bank, in the months of July, August, September and October, 1838, during a portion of which time, Col. A. H. Sevier and Thos. T. Williamson were in that city to sell bonds of the State issued to the Real Estate bank, and during the period of time that I was there, I spent much time with these gentlemen, and I state that they severally devoted themselves assiduously to the duties in which they were engaged; and the commissioners for the sale of the bonds issued to the State bank received very efficient aid in effecting the sale made by this deponent and his associates.

After the sale made by Col. Sevier and Williamson, I received \$2000 of these gentlemen, for which I gave a memorandum to account to the Real Estate bank, and did so immediately on my return to Little Rock. It was furnished me at my request, and the only object of that request was the fear that I might not have sufficient money to pay personal expenses, and make reasonable purchases desired by me. And understanding the commissioners of the Real Estate bank were proposing to bring money to the State, and the commissioners of the State bank having been directed to make deposits of the moneys they might receive. I paid interest and premium on the amount I then received, to the bank.

While at the east, I became well acquainted with W. W. Corcoran, of Washington city, and having business transactions with him, I satisfied myself that he was a gentleman of high standing, and of undoubted probity. He was a broker, doing business on a large scale there.

While acting as commissioner, I made diligent enquiry as to the mode of disposing of stocks, and found that the aid of a broker was deemed indispensable, and that no contracts had been made in New York for the sale of stocks by commissioners without the aid of a broker, so far as I could learn, and after trying for several weeks, Mr. Bertrand and myself, two of the State bank commissioners, contracted to give Mr. Delafield, a broker in New York, one per cent. to effect a sale of the million of dollars entrusted to us by the State bank; but reserving to ourselves the right to sell, if we found opportunity in the mean time; and limiting the time within which he was to effect a sale, during which time we ascertained we could sell our-

selves, and immediately on the expiration of the time allowed to Delafield, we did sell. I deem this sale without the intervention of a broker wholly accidental.

I understood, while in New York, from the Wall street brokers, that our sale and the one made by the Real Estate bank commissioners to J. D. Beers, of one million, were the only two effected without the assistance of brokers.

While in New York, I found large quantities of stock for sale, and great efforts made to get them disposed of, and stocks of Mississippi, Alabama, and I believe of Michigan, and some other States, were sold while our commissioners were there. The Mississippi stocks were disposed of through the aid of Robert McAllister, and all the others through the aid of other brokers, as I then understood.

For my services as commissioner, from 1st July to about 1st December, 1838, nearly all of which time I was employed in making sale of the State bonds, I received, by order of the several boards of the State bank, \$1600, and the principal bank also paid me \$200; both of which sums I did not then, and do not now, deem at all adequate compensation for services rendered. I did then, and still do, believe I was justly entitled to at least \$5000.

Chester Ashley further states, on oath, that he arrived in New York about the 20th of July, 1838, and within a short time thereafter, he accompanied Col. Sevier and Williamson to Washington city. The object of the trip on the part of Cols. Sevier and Williamson was to make sale of the bonds of the Real Estate bank to the secretary of the treasury, who was, as deponent understood, authorized to invest the proceeds of the Smithsonian legacy in State stocks. After our arrival in that city, this deponent found that the Real Estate bank commissioners had made propositions to the treasury through the aid of Mr. Harris and Mr. Corcoran, and therefore voluntarily stated to those gentlemen he would make no disposition of the bonds issued to the State bank.

This deponent understood that the sale was effected principally by the aid and assistance of said Corcoran, the precise terms of which sale this deponent has no means of knowing, except such as are to the committee.

And deponent further states, after his return to New York city, from Washington, Mr. Bertrand and deponent effected a sale of the million of bonds confided to them, to John D. Beers, of New York. And one of the inducements of Beers to purchase the said million, and also the million issued to the Real Estate bank, as stated by said Beers, was, that the State of Arkansas having effected a sale to the government, was strong evidence that the bonds of Arkansas were entitled to the highest credit, and would enable him (Beers) to sell those bonds on better terms in Europe; and deponent has no hesitation in stating his belief, that the sale to the treasury of the \$500,000, made by the Real Estate bank commissioners, enabled the commissioners of the Real Estate bank, and the State bank, to effect the sale of the \$2,000,000 to said Beers. At the time of the sale of the bonds aforesaid,

the State bank had been in operation for some months, its capital formed principally of the surplus revenue, deposited with the State by the general Government, and of the avails of the sale of some \$100,000, or more of the State bonds, sold by Capt. Brown to the War Department was also frequently referred to by said Beers, as enabling him to make better sales in Europe, of Arkansas State bonds, the State bank being at the time, the depository of the public moneys of the State, and its notes receivable in payment of all public dues.

Some five months after the sale of the State bonds to said Beers, the stock of Arkansas fell below par, and as deponent believes, have remained below par ever since.

All the foregoing statements made in answer to questions asked of deponent.

The following is the evidence of Isaac Baker:

Int'g. 1st. Were you attorney for Benj. Johnson and A. H. Sevier, in certain suits for obtaining titles to lands owned or claimed by them, and mortgaged to the Real Estate bank for stock?

Answer. I was attorney for Benj. Johnson, in some ten or twelve cases, wherein bills were filed for titles to land, and my understanding was that some of the cases related to land conveyed by Judge Benj. Johnson to Col. A. H. Sevier, and by the latter, mortgaged to the bank. I did not, that I recollect, compare the numbers of the land mortgaged with the numbers stated in the bill; but have no doubt of the fact, having had frequent conversations on the subject, with both Judge Johnson and Col. Sevier, and having been reminded, while attorney for the bank, that the titles of Col. Sevier depended upon the issue of those suits.

Int'g. 2d. Why were those suits not disposed of sooner, or was there unusual delay?

Ans. They were not disposed of in 1836 and 1837, because, as I understood from Judge Johnson, the certificates and other papers which were necessary exhibits in the bills, were in the general land office at Washington. In 1838 and 1839, Euclid L. Johnson was on the bench as the judge of the court wherein they were pending, and being a relative of Judge B. Johnson and Col. A. H. Sevier, he was under the constitution, incompetent to sit. I succeeded Euclid L. Johnson in the latter part of 1839, and having been of counsel in the cases, was likewise constitutionally incompetent to render a decree.

The cases or such of them as were terminated by a decree, were determined either before Judge Sebastian, who interchanged with me for the purpose of deciding such cases, or by a special judge, appointed for that purpose.

ISAAC BAKER.

E. L. Johnson being duly sworn, deposeth and says as follows:

I was elected judge of the second judicial circuit of the State of Arkansas, at the call session of the legislature of said State, in the winter of 1737, to fill the vacancy created by the resignation of De La F. Royston. At the first term of the circuit court of Chicot

county, after I was elected judge, I found upon the docket of said court, petitions or bills in chancery, filed by Benjamin Johnson, and some by A. H. Sevier, for title for land in Chicot county. Two of those cases I recollect, was against Parks and Mays—I am not certain, but I believe those cases were commenced just before I was elected judge, or at any rate, they were commenced directly after. When those cases came up before me for trial, I had to continue them, and certify my incompetency to sit in those cases, in consequence of my relationship with A. H. Sevier's wife. I will also state, that those cases continued in the same situation, until I resigned my judgeship, which was in the summer of 1839. There being no judge at any term of the court, qualified to sit in those cases. There was no defence of any kind to those petitions. Sevier was at all times anxious for a decree, and as far as I know or believe, he used every effort in his power to procure the same. E. L. JOHNSON.

Charles Rapley being duly sworn, deposeth and says:

Int'g. 1st. Were you a director of the Real Estate bank at Little Rock, in 1838, and were you one of those who drew up the instructions for the sale of the bonds of the Real Estate bank, by A. H. Sevier and T. T. Williamson, and after they had disposed of those bonds, did you think said commissioners had exceeded their instructions, or not?

Ans. I was a director. Messrs. A. H. Davies, Sam C. Roane and myself composed the committee appointed by the finance committee or board, do not recollect which, to draw up instructions to the commissioners, for the sale of the bonds. After the bonds had been sold, and an account current rendered to the board or finance committee, they appeared to be fully satisfied with the disposition of them.

Int'g. 2d. Did you see any thing at the time, or since, the filing of the tables of those sales, to induce you to believe that the commissioners profitted or speculated upon the exchanges?

Ans. I did not, nor do I believe such a charge.

Int'g. 3d. Did the bank make profits upon the money exchanges by the commissioners, and if so, state what it was?

Ans. The bank sold her eastern exchanges at two and a half per cent.—the Cincinnati and Louisville exchanges at two per cent., and exchange on New Orleans at one per cent. The Mississippi money was disposed of at no premium. The Mississippi money, or a part of it, as well as I can recollect, was deposited in some bank in Mississippi, upon which checks were drawn, and for which no premium was paid. Having occasion to examine the books of the Real Estate bank, at Little Rock, some time since, I found an account current of Jas. De Baun, who had been appointed by the board to make settlement with the bank in Mississippi, in which the Mississippi bank paper had been deposited. I found that the Real Estate bank at Little Rock had drawn all out of the Mississippi bank, with the exception of some ten or twelve thousand dollars, which amount was withdrawn by Mr. De Baun, and sold by him at a loss of some eleven hundred

dollars. Upon the whole operation, there was a gain in the exchanges. I allude to the money exchanges of the principal bank. Having no access to the books of the branches, I cannot speak of them.

CHAS. RAPLEY.

DISTRICT OF COLUMBIA,
COUNTY OF WASHINGTON. } ss.

I certify that on this thirty-first day of March, A. D. 1843, before the subscriber, a justice of the peace in and for said county, duly commissioned and qualified, personally appeared William W. Corcoran, of said county, of lawful age; and personally well known to me, who being duly sworn on the Holy Evangelist of Almighty God, depose and saith:—That he entered into a contract with General T. T. Williamson and Colonel A. H. Sevier, to dispose of five hundred bonds of the State of Arkansas, to the secretary of the treasury of the United States, for the Smithsonian legacy, and to invest a portion of the proceeds of the said bonds into bills of exchange and other funds, upon the west and south, in the month of August or September, 1838—that under the said contract he did dispose of those bonds, and made the contemplated investments, and that for his services in thus making the disposition of those bonds and those investments, the said Williamson and Sevier, as commissioners, paid to him, the affiant, the sum of five thousand dollars, or one per cent., and no more in any shape or form whatsoever. The said Corcoran further states that he made the said sale and investments, on the best and most advantageous terms that he could for the Real Estate bank, and that to the best of his recollection and belief, his account of those investments as printed in the “Arkansas State Gazette,” of the 18th of January, 1843, with the exception of the heading of the last column, which should be “cost” instead of “lost,” truly exhibits those investments, and that every cent thus obtained, was paid over by him to the said commissioners, Williamson and Sevier, in the city of New York, on the 19th day of September, 1838, at the time of the departure of Col. Sevier, with those funds for the west; and, that all the money was then and there counted by the said Corcoran and said commissioners, with the exception of one sealed bundle of bank notes, which was secured by the seal of Jacob Little & Co., the brokers of whom it was purchased. That this bundle was not counted for want of time as the delay which would have been occasioned thereby, would have detained Colonel Sevier until it would have been too late for him to have left in the boat, and have thus postponed his departure until the next day; and that on that account alone the bundle was not then counted or opened, but was left sealed, and the words “not counted,” and the signatures of the said Williamson and Corcoran were written across the seals.—And that he has understood that when the said bundle was opened and counted in Louisville, it was then discovered that there was an error in the amount, as it contained four thousand dollars less than was believed and marked to be therein, and that said error having also been discovered by the brokers from whom the money was purchased, the

mistake was corrected by them, and the amount thereof sent to the president of the bank, as this affiant was informed and believes.— The affiant further declares that the rates of discount at which he made the purchases, are truly and correctly stated in the account thereof, which he rendered to the said commissioners, and that in no case did he purchase or invest at a different rate from that so stated—and he also refers to the annexed letters to him, one from John Ward & Co., of the 7th March, 1843, and the other of the 20th March, 1843, from Jacob Little & Co., and also to his accompanying cancelled checks, as described in the annexed list thereof, as evidence thereof. And further the deponent saith not.

W. W. CORCORAN.

Subscribed and sworn to before me this }
31st day of March, A. D. 1843. }
SAMUEL D. KING, J. P. }

List of cancelled Checks of William W. Corcoran, referred to in the foregoing affidavits.

<i>Date.</i>	<i>In favor of.</i>	<i>Upon what Bank.</i>	<i>Discount.</i>	<i>Amount.</i>
1838, Sept. 5,	M. Allen,	North American Trust and Banking Company,		6,599 15
	7, J. Little & Co.,	For check on New Orleans for Merchants,	\$6,847 36	3 $\frac{5}{8}$ pr. ct.
		For check of	1,340 46	8
		"	16,400 59	3 $\frac{3}{4}$
		"		15,785 58
		"		9,850
		"		20,000
		For draft on New Orleans,	\$40,900	4
		North American Trust and Banking Co.,		19,264 15
8,		For draft on New Orleans,	\$45,000	6 $\frac{1}{2}$
		do on Cincinnati,	10,000	1 $\frac{1}{4}$
		do on Mississippi notes,	2,526	7 $\frac{3}{4}$
10,	Chanley & Wheeler,	For Tennessee Funds,	\$4,203 60	6 $\frac{3}{4}$
15,	C. N. Mills & Son,	For Louisiana do	1,067	4 $\frac{3}{4}$
	J. Ward & Co.,	For Cincinnati do	11,592 63	1 $\frac{5}{8}$
17,	Bank of America,	do do	13,800	1 $\frac{1}{4}$
	J. Ward & Co.,	Cincinnati do	20,686 13	1 $\frac{1}{4}$
	Mills & Son,	Mississippi do	3,700	7 $\frac{1}{4}$
19,	T. T. Williamson, and } A. H. Sevier.	Balance due commissioners,		233,445 78

New York, March, 20th, 1843.

WM. W. CORCORAN, Esq.:

Dear Sir—We cannot find any thing very definite, and we fear satisfactory, relative to our transactions with you in September, 1838. The following, however, we submit to you as the only memo. we have:

"Sept. 7, 1838,	\$40,900		
4, do	1,636		
		\$39,264	
	16,000 55		
	615 01		
		15,385 54	Corcoran.
Sold Corcoran:			
Drf't N. O. 10 days,	20,000		
15 do	25,000		
		45,000	
	3½	1,575	
			\$43,425
Cincinnati,	10,000		
1½	150		
			9,850
Drf't Natchez,	900		
Ct'f Plant. bk. Jackson,	850		
Ag'r bk. Pontotoc,	276		
Commercial bk. Natchez,	500		
		2,526	
	7¾	195 76	2,330 24
			\$55,605 24

Please say if the above is what you are anxious to obtain.

We have received Mr. Corcoran's Ky. letter of 17th, with enclosure.

Yours, JACOB LITTLE & CO.
Pr. S. W. B.

The following drafts on the different banks named, were given by W. W. Corcoran, and accepted:

	NEW YORK, Sept. 5th, 1838.	
North American Trust and Banking Company, pay to M. Allen or bearer:		\$6,499 15
	NEW YORK, Sept. 7th, 1838.	
Cashier of the Merchant's bank, pay to J. Little & Co., or bearer:		1,233 23
	NEW YORK, Sept. 7th, 1838.	
Cashier of the Merchant's Bank, pay to J. Little & Co., or bearer:		15,785 58
	NEW YORK, Sept. 7th, 1838.	
Cashier of the Merchant's bank, pay to J. Little & Co., or bearer:		9,850 00
	NEW YORK, Sept. 7th, 1838.	
Cashier of the Merchant's Bank, pay to J. Little & Co., or bearer:		20,000 00
	NEW YORK, Sept. 8th, 1838.	
North American Trust and Banking Company, pay to J. Little & Co., or bearer:		19,264 00

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NEW YORK, Sept. 8th, 1838.	
North American Trust and Banking Company, pay to J. Little & Co., or bearer,	26,506 24
NEW YORK, Sept. 8th, 1838.	
North American Trust and Banking Company, pay to J. Little & Co., or bearer :	29,000 00
NEW YORK, Sept. 10th, 1838.	
North American Trust and Banking Company, pay to Messrs. Chanley & Wheler, or order :	3,919 86
NEW YORK, Sept. 15th, 1838.	
North American Trust and Banking Company, pay to C. N. Mills & Son, or bearer :	1,016 31
NEW YORK, Sept. 15th, 1838.	
North American Trust and Banking Company, pay to Jno. Ward & Co., or bearer :	11,404 25
NEW YORK, Sept. 17th, 1838.	
North American Trust and Banking Company, pay to Bank America, or bearer :	13,637 50
NEW YORK, Sept. 17th, 1838.	
North American Trust and Banking Company, pay to Jno. Ward & Co., or bearer :	20,427 56
NEW YORK, Sept. 17th, 1838.	
North American Trust and Banking Company, pay to Messrs. Mills & Son, or bearer :	3,431 75
NEW YORK, Sept. 19th, 1838.	
North American Trust and Banking Company, pay to Messrs. T. T. Williamson & A. H. Sevier, or bearer :	233,445 78

W. W. CORCORAN, Esq.:—Dear Sir—We find on examining our books, that we sold you, on the 15th September, 1838, our draft on H. H. Goodman & Co., Cincinnati, for \$11,592 63, at one 5-8 per cent. disc't; and on the 17th of the same month, a draft on the same parties for \$20,686 13, at 1 1-4 per cent. disc't; for which you paid us in New York funds.

Respectfully, &c.,

JOHN WARD & CO.

NEW YORK, 7th March, 1843.

APPENDIX TO THE

EXHIBIT [A.]

Messrs. T. T. Williamson and A. H. Sevier, commissioners, in account with W. W. Corcoran, Washington.

Dr.	Funds.	Dis.	Amount.	Credits.	Costs.
To		p. c.			
New Orleans notes,	2,575	4	103		2,472
do	585	4 ⁵ / ₈	27 05		557 95
do	40,900	4	1,636		39,264
Drafts,	16,400 59	3 ³ / ₄	615 01		15,785 58
do	2,375 77	3 ³ / ₄	89 19		2,289 58
do	6,847 36	3 ⁵ / ₈	248 21		6,599 15
do	45,000	3 ¹ / ₂	1,575		43,425
Cincinnati drafts,	20,721 87	1 ¹ / ₂	310 83		20,411 04
do	700	2	14		686
Natchez drafts,	498	8 ³ / ₄	43 57		454 43
do	1,340 46	8	107 23		1,232 23
do	3,026	7 ³ / ₄	234 51		2,791 49
do	8,731 60	7 ¹ / ₂	654 87		8,076 73
Nashville notes,	800	7	56		744
Tennessee,	4,203 60	6 ³ / ₄	283 74		3,919 86
Cincinnati,	11,592 63	1 ⁵ / ₈	188 28		11,404 25
do	1,500	1 ³ / ₄	26 25		1,473 75
do	1,500	1 ¹ / ₂	22 50		1,477 50
do	13,800	1 ¹ / ₄	172 50		13,627 50
do	20,686 13	1 ¹ / ₃	258 57		20,427 56
do	250		4		246
Louisiana,	1,067	4 ³ / ₄	50 69		1,016 31
do	300	3 ¹ / ₂	10 50		289 50
do	1,105	3 ³ / ₄	41 43		1,063 57
Mississippi,	669	7 ¹ / ₂	50 17		618 83
do	7,740	7 ¹ / ₄	561 15		7,178 85
do	3,700	7 ¹ / ₄	268 25		3,431 75
\$300 do	6,200	7 ² / ₈	457 25		5,742 75
int. \$8 55 do	308 55	7	21 60		286 95
do	10,600	7 ¹ / ₄	768 50		9,831 50
do	2,501 60	7	175 11		2,326 49
do	2,826 74	7 ⁷ / ₈	222 62		2,604 12
Arkansas,	330	10	33		297
Trea's check on L'ville	29,500				29,500
Check on T. N. A. Co.,					233,445 78
	\$270,884 90		\$9,330 68		
Cr. By sale of 500				500,000	
Ark's bonds at \$1,000,				5,000	
Less 1 pr. ct. commis.,					
				\$495,000	\$495,000 00

W. W. CORCORAN.

E. E. New York, Sept. 19th, 1838.

The interest on the five hundred bonds sold to the secretary of the treasury, from the date to the day of sale, will, when received by me, be paid to Messrs. Sevier and Williamson, commissioners.

W. W. CORCORAN.

Sept. 19th, 1838.

I certify the above and foregoing to be truly copied from the original paper on file in the Real Estate bank, by order of the committee

THO'S W. NEWTON,

25th November, 1842.

Cash. & Sec'y.

EXHIBIT [B.]

Messrs. T. T. Williamson and A. H. Sevier, commissioners, in account with W. W. Corcoran.

Dr.		Funds.	Dis.	Amount Disc't.	Costs.
To					
	New Orleans notes,	2,575	4	103	2,472
	do	585	4 ⁵ / ₈	27 05	557 95
	do	40,900	4	1,636	39,264
	Drafts,	16,400 59	3 ³ / ₄	615 01	15,785 58
	do	2,378 77	3 ³ / ₄	89 19	2,289 58
	do	6,847 36	3 ⁵ / ₈	248 21	6,599 15
	do	45,000	3 ¹ / ₂	1,575	43,425
	Cincinnati drafts,	20,721 87	1 ¹ / ₂	310 83	20,411 04
	do	700	2	14	686
	Natchez drafts,	498	8 ³ / ₄	43 57	454 43
	do	1,340 46	8	107 23	1,233 23
	do	3,026	7 ³ / ₄	234 51	2,791 49
	do	8,731 60	7 ¹ / ₂	654 87	8,076 73
	Nashville notes,	800	7	56	744
	Tennessee,	4,203 60	6 ³ / ₄	283 74	3,916 86
	Cincinnati,	11,592 63	1 ⁵ / ₈	188 38	11,404 25
	do	1,500	1 ³ / ₄	26 25	1,473 75
	do	1,500	1 ¹ / ₂	22 50	1,477 40
	do	13,800	1 ¹ / ₄	172 50	13,627 50
	do	20,686 13	1 ¹ / ₄	258 57	20,427 26
	do	250		4	246
	Louisiana,	1,067	4 ³ / ₄	50 69	1,016 31
	do	300	3 ¹ / ₂	10 50	289 50
	do	1,105	3 ³ / ₄	41 43	1,063 57
	Mississippi,	669	7 ¹ / ₂	50 17	618 83
	do	7,740	7 ¹ / ₄	561 15	7,178 85
	do	3,700	7 ¹ / ₄	268 25	3,431 75
	do	6,200	7 ³ / ₈	457 25	5,742 75
	do	308 55	7	21 60	286 95
	do	10,600	7 ¹ / ₄	768 50	9,831 50
	do	2,501 60	7	175 11	2,326 49
	do	2,825 74	7 ¹ / ₈	222 62	2,604 10
	Arkansas,	330	10	33	297
	Draft of Treas'r U. S. on L'ville,				29,500
	J. L. Dawson's note,				2,050
	L. Reardon's do				1,000
	C. Ashley's do				2,000
	J. M. Moore's order on L'd office,				300
	Also this sum in N. Y. funds,				16,300
					\$285,804 22

(Signed,)

A. H. SEVIER,

TH. T. WILLIAMSON.

STATEMENT.—Am't of funds. Dis't. Am't of dis't. Cost in other funds.
 \$292,534 90 9,330 68 283,204 22
 Error in addition of cost 2,600

\$285,804 22

Have this copied

WILLIAMSON.

I certify the foregoing to be truly copied from the original paper on file in the Real Estate bank, by order of the committee.

THOMAS W. NEWTON,

Cash. & Sec'y.

25th November, 1842.

APPENDIX TO THE

EXHIBIT [C.]

This investment was made by Thos. B. Lee, for Thos. T. Williamson, commissioner of the Real Estate bank of the State of Arkansas.

	<i>Amount purchased.</i>	<i>Rate of disc't.</i>	<i>Am't of disc't.</i>	<i>The amount paid.</i>
Kentucky,	32,790 18	1 $\frac{3}{4}$	573 82	32,216 36
do	4,000	1 $\frac{1}{2}$	60	3,940
do	1,522	1 $\frac{3}{4}$	26 64	1,495 36
Mississippi,	63,185 78	7 $\frac{3}{4}$	4,896 90	58,288 88
New Orleans,	42,543 77	2 $\frac{3}{4}$	1,169 97	41,373 80
do	10,000	2 $\frac{3}{8}$	237 50	9,762 50
do	3,670	2 $\frac{1}{2}$	91 75	3,578 25
do	20,850	2 $\frac{1}{4}$	469 12	20,380 88
do	6,876	2 $\frac{1}{4}$	154 71	6,721 29
Arkansas,	440	9 $\frac{3}{4}$	42 90	397 10
do	170	9 $\frac{1}{4}$	15 72	154 28
do	60	3	1 80	58 20
do	30	2 $\frac{3}{4}$	83	29 17
Tennessee,	640	4 $\frac{3}{4}$	30 40	609 60
	\$186,777 73		\$7,772 06	\$179,005 67

In addition to the above, I have \$16,000 in checks on New Orleans, received from Col. W. I have received in addition to the above, \$71,993 72 in New Orleans money, from A. H. Davies. I have delivered \$10,480 66 of Kentucky money, and \$63,185 78 of the Mississippi has been handed to A. H. Davies, Esq., and \$26,309 52 of the Kentucky money has been deposited in the bank of Kentucky to the credit of the Real Estate bank of the State of Arkansas, and \$1,522 of the Kentucky money has been handed to Col. Williamson, together with \$700 in Arkansas State bank, and \$640 in Tennessee.

(Signed,)

THOS. B. LEE.

8th November, 1838.

I certify the foregoing to be truly copied from the original paper on file in the Real Estate bank, by order of the committee.

THOS. W. NEWTON,

Cashier & Secretary.

25th November, 1842.

EXHIBIT [D.]

Rec'd, Louisville, October 8th, 1838, from Messrs. Thomas T. Williamson and Ambrose H. Sevier, commissioners, by the hands of the latter, the following funds, being an investment made by them, out of the proceeds of the sale of five hundred bonds, of one thousand dollars each, of the State of Arkansas, sold for account of the Real Estate bank of the State of Arkansas.

LOUISIANA FUNDS, viz :

Certificate of deposit on the bank of La. to order Liggitt & Fox (br. at Alexandria,) \$1,067 00	
Certificate of deposit of the bank of La. to order Gravelly & Marks, 318 43	
Certificate of deposit of the bank of La. to order N. Lockwood, 350 00	
	1,735 43
Certificate of deposit, Citizens' bank La., C. M. Connelly, 500 00	
do. do. do. Jas. Van Dyke, 800 00	
do. do. do. J. Button & Co., 115 00	
Check F. W. Edwards, cashier, on Citizens' bank, La., D. Taylor & Son, 709 37	
Check F. W. Edwards, cashier, on Citizens' bank, La., D. Taylor & Son, 698 62	
Certificate of deposit, Citizens' bank, La., Henry Leber & Co., 1,500 00	
	4,322 99
Certificate of deposit, Canal & Bk'g Co., Elliott, Babcock & Burnap, 437 00	
Certificate of deposit, Canal & Bk'g Co., Wm. W. Lyon & Co., 1,500 00	
Certificate of deposit, Canal & Bk'g Co., Sam'l Van Wyck & Co., 633 96	
Certificate of deposit, Canal & Bk'g Co., Beverly Snyder & Co., 702 50	
Certificate of deposit, Canal & Bk'g Co., Trow- bridge, Dwight & Co., 7,000 00	
Certificate of deposit, Canal & Bk'g Co., Conner & Cooke, 171 00	
Certificate of deposit, Canal & Bk'g Co., H. Mem- dell & Co., 222 75	
Certificate of deposit, Canal & Bk'g Co. G.P. Hewett 269 93	
do do do do J. A. Horton 367 50	
do do do do Trowbridge, 300 00	
Dwight & Co., 300 00	
do do do do Levi Cook & Co 300	
	5,905 04
Certificate of deposit, Atchafalaya R. R. & B. Co., Smith & Voorhees, 570 34	
Certificate of deposit, Atchafalaya R. R. & B. Co., Smith & Voorhees, 100	
	670 34
Check br. St. bk. Indiana at N. Albany, on Union bk. Louisiana, 71 03	

EXHIBIT [F.]

The parcel containing \$2,900 was marked \$6,900.

Total Louisiana funds,

\$113,158 72

IN MISSISSIPPI FUNDS, as follows, viz :

Check, A. S. Frazier, Cashier 7th Ward bank, New York, on Planters' bank Vicksburg,	2,501 60
Check, Jacob Little, on Planters' bk. Natchez,	900 00
Certificate of deposite, order Geo. Poindexter, Pl. bank, Natchez,	850 00
Do. order H. & F. A. Trowbridge Com'l bk. Nat'z,	498 00
Do. do. Dwight & Trowbridge, do. do.	1,340 46
Do. do. J. R. Burke, do. do.	500 00
Do. do. J. King, do. do.	500 00
Do. do. Smith & Wright, do. do.	2,470 00
Do. do. E. A. Mitchell, do. do.	278 00
Do. do. H. Janeson, do. do.	500 00
Do. do. do. do. do.	1,000 00
Do. do. W. H. Kelly, do. do.	3,400 00
Do. do. Lynd Dowell, do. do.	202 00
Do. do. Huntingdon & Campbell, Agr'l bk. do.	276 00
Do. do. George Potts, do. do.	881 60
Do. do. Geo. W. Tyson & Co., Com. & RR. bank Vicksburg,	300 00

\$16,397 66

Draper, Toppan & Longacre, draft on Beaumont, Cashier Mississippi Shipping Company,	467 39
Do. on E. F. Frazier, Cash'r Mi. R. Road Co.,	2,359 35

Total drafts, checks and certificates of deposite, \$19,224 40

Cash, viz: 1 bundle containing	\$289
	1,000
	6,200
1 " "	10,600
1 " "	5,725
1 " "	1,015
1 " "	380
1 " "	3,700

28,909 00

\$48,133 40

IN TENNESSEE FUNDS, viz :

H. Trevor, Cashier, check on Union Bank of Tennessee, order H. Farran & Co.	1,389 84
Do. do. do. do. do.	1,403 42
Do. do. do. do. do.	1,410 34
Cash, 1 package, containing	800 00

\$5,003 60

IN ARKANSAS FUNDS, viz :

Moore's check on Receiver land office Little Rock,	300 00
Cash,	330 00

630 00

IN LOUISVILLE & CINCINNATI FUNDS, viz :

Chk, J. B. Trevor, Cash'r Philbk on Miami Expt Co.	1,500 00
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EXHIBIT [F.]—CONCLUDED.

Check, D. Thompson, Cash'r Bank America on		
Frank. bk. Cincinnati,	13,800	00
Check, J. Hodges, Cash'r Arcade bank Prov. on		
Com'l bk. Cin.,	721	87
Certificate of deposit, Ohio Life In. & Trust Co.,		
W. R. Johnson,	700	00
Draft, J. Little & Co. on John Bates & Co. Cin.,	10,000	00
Do. do. do. do.	10,000	00
Do. John Ward & Co. on H. H. Goodman &		
Co. Cin.,	20,686	13
Do. do. do. do.	11,592	63
N. G. Ogden, Cash'r, check on bk. Ky. Lou.	1,500	00
Warrant Treasurer U. S. on do. do.	29,500	00
Cash,	250	00
		100,250 63
		267,176 35
James L. Dawson's receipt,	2,050	00
L. Reardon's do.	1,000	00
Chester Ashley's do.	2,000	00
		5,050 00
		\$272,226 35

Say two hundred and seventy-two thousand two hundred and twenty-six dollars and thirty-five cents.

(Signed duplicates),

A. H. DAVIES, *Pres't*

Real Estate Bank of the State of Arkansas.

Add Jacob Little's draft on H. Been & Co., New Orleans, this latter received by mail,

4,000 00

\$276,226 35

I certify the foregoing to be truly copied from the original paper, on file in the Real Estate bank.

By order of the committee, 25th Nov., 1842.

THO'S. W. NEWTON, *Cash'r and Sec'y.*

[COPY.]

Received from Thomas T. Williamson and Ambrose H. Sevier, commissioners, the sum of nineteen hundred and ninety dollars in Arkansas notes, and the further sum of four thousand one hundred and forty dollars, in Peter Hanger's check on the Real Estate bank, for \$4000 advanced to him in N. York, and interest and premiums thereon—say the sum of six thousand one hundred and thirty dollars, in addition to amounts heretofore received and receipted for.

(Signed duplicates),

A. H. DAVIES, *Pres't.*

Office Real Estate Bank, Little Rock, Dec. 15th, 1838.

I certify the foregoing to be truly copied from the original paper, on file in the Real Estate bank.

By order of the committee, 25th Nov., 1842.

THO'S W. NEWTON, *Cash'r and Sec'y.*

The account of Th. T. Williamson and Ambrose H. Sevier, as commissioners, was presented to the committee, and, on motion, ordered to be placed on the minutes, as follows:

DR. *The Real Estate Bank of the State of Arkansas, in account with Th. T. Williamson and A. H. Sevier, Commissioners.*

CR. _____

1838	To cash paid over to A. H. Davies, Pres't, per recp't rendered	276,226 35		1838	By proceeds of the sale of 500 bonds of \$1,000 each to Hon. Levi Woodbury,		\$500,000 00
	" do. transferred to N. Orleans and Natchez for deposite, viz:				" premiums arising from the investment of do. as per account of W. W. Corcoran,	9,330 68	
	Mississippi, 63,185 78				" do. do. T. B. Lee,	7,772 06	
	Louisiana, 99,939 77				" do. do. W. W. Corcoran,	566 85	
	Louisville, 36,790 18	\$9,915 73	\$476,142 08		" interest and premium on \$4,000 advanced to Peter Hanger,	140	
	" do. paid over in Ark's money,	1,990			" interest and premium on \$14,300 retained by A. H. Sevier, in New York,	572	
	" do. " by P. Hanger in do.	4,140	6,230		" interest on deferred payment to Rawdon, Wright & Hatch,	422 87	
	" do. " draft A. H. Davies, Pres't, to pay expenses forwarding bonds,	500			" premiums received by T. T. Williamson,	35 50	\$18,839 96
	" paid Rawdon, Wright & Hatch bill of engravings,	21,143 37					
	" do. paid stationer's bill,	1,833 64	23,477 01	Dec 15	This amount paid to Th. T. Williamson to refund advance made to Rawdon, Wright & Hatch, New York, (see their bill),		11,781 13
	" am't allowed by central board for services T. T. Williamson, \$3,000		5,000 00				
	" do. do. A. H. Sevier, 2,000						
	" com. paid W. W. Corcoran for negotiations,		5,000 00				
	" balance,		14,872 00				
		Dolls.	530,621 09		By balance, being amount due from A. H. Sevier for funds retained in N. York, interest and prem. after deducting \$2,000 allowed for services,		\$14,872 00
						Dolls,	530,621 09

(Signed)

TH. T. WILLIAMSON, Com.

Little Rock, Dec. 15th, 1838.

EXHIBIT [H.]

On the 20th of February, 1838, instructions were prepared for the commissioners, by A. H. Davies, president of the bank. The parts of the instructions referring to their powers and duties are here subjoined:

OFFICE OF THE REAL ESTATE BANK
OF THE STATE OF ARKANSAS,
Little Rock, February 20th, 1838.

*Messrs. Thomas T. Williamson
and Ambrose H. Sevier :*

GENTLEMEN—As presiding officer of this institution, on whom has devolved the duty, jointly with a committee appointed by the central board, to draw up such instructions as may appear expedient to govern you in the progress of your mission to New York, to negotiate a sale of five hundred thousand dollars of the bonds of the State of Arkansas bearing an interest of six per cent. issued to this institution to form a part of its permanent capital, I have the honor to communicate the following, as embodying the views and wishes of the board, and the instructions by which you will, as far as practicable, be governed.

Mr. Williamson will proceed with all possible despatch via New Orleans to Washington city, and there join the Hon. A. H. Sevier. At New Orleans Mr. Williamson will avail himself of the opportunity of calling on Mr. James Irwin, and other individuals of that city, eminently connected with the monied transactions of the country, for such information touching the objects of his mission, as may be desirable for him to possess.

It is not improbable that Mr. Irwin will himself be desirous to purchase the bonds; if such should be the case, and his offers are such as to justify a delay, (and of which Mr. W. will be the judge,) having in view the accomplishment of the objects so essentially necessary for the interests of the bank, with regard to the supply of specie and eastern credits, he will immediately advise me at Columbia, and measures will be taken to obtain the action of the central board to carry a contract with him into effect without delay. * * *

When you have succeeded in making a sale of the bonds, you will without delay, make such disposition of the funds, by deposit in some safe bank, as will enable this institution to realize them on the check of the cashier. It is a part of our present plans to draw for them, and sell our checks at such points in the west as will enable us to exchange our eastern funds at par for specie, and to provide an amount of not less than \$200,000 of that kind of funds for the commencement of our operations, and if you can by any operation of your own hasten the exchange, you will do so. * * *

In conclusion, I will add, that should the aspect of things look gloomy on your arrival in New York, and the prospect for a sale, doubtful, do not too soon despair, but wait for time to bring about a more favorable period. Our wants at home, you are aware, are great, and greater at this time than we shall feel again for years, and it is with

no ordinary feeling of hope and suspense, that this whole community will await the result of your mission. You of course will leave nothing undone to effect its favorable issue. It is necessary, however, that an eye should closely watch the standing, the interest, and the CREDIT of the State, and unless contracts can be made on terms as favorable by the State of Arkansas, as is made with other young States, great care should be taken to frame the contracts for a sale of our bonds now, in such a manner as will preserve our credit, and not interfere with the sale of our remaining five per cents by taking instalments, dividing the profits of the exchanges, or some other method which throw over the transaction a contingency to protect us. Of these things, however, you must be the judges—being on the spot, you must necessarily know better than ourselves, and with every confidence in your abilities, your prudence and discretion, you are left to follow the dictates of your own judgments, and in all things to act and to do as may seem to you at this time, most meet and proper.

I have the honor, &c

A. H. DAVIES, *Pres't.*

EXHIBIT [I.]

On the sixth of June, 1838, further instructions were forwarded to the commissioners. So much as relates to the selling of the bonds, here subjoined.

OFFICE OF THE REAL ESTATE BANK
OF THE STATE OF ARKANSAS. }
Little Rock, June 6th, 1838

Messrs. Thomas T. Williamson and Ambrose H. Sevier:

GENTLEMEN—On your return to New York, as commissioners for this institution to sell the bonds of the State of Arkansas, you will embrace the first opportunity of entering into an arrangement for the disposition of them, either by an advance and consignment of them to Europe, or for a sale at once in New York or Philadelphia.

In the event of taking an advance, you will endeavor to obtain the full amount of five hundred thousand dollars, on an agreement to consign the whole amount of \$1,500,000, contracting to deliver the remaining thousand bonds in a reasonable time, making sufficient allowance for any probable delay, and conditioning the final payment of the half million of dollars on their delivery. You will, however, make it one of the positive conditions of the contract, that two hundred and fifty thousand dollars be paid in hand, and the remainder of the advance on the delivery of the remaining bonds, on 1st September, should the bonds be delivered before that date. It should also be a part of the contract, that the consignees hold up the bonds for a term of twelve months, if they cannot sooner be sold in London at par. You will, however, feel yourselves authorized by your powers of attorney, to make a contract in New York for a sale in London, so stipulated that the proceeds *realized* in New York, shall be the value received for them. On this point, your previous negotiation will afford you all the necessary items of information, and your knowledge of what is required by the charter of the bank, to make a sale which will comply with its provisions of

receiving "not less than par value" will suggest to you the necessity of so wording your contract, as to keep strictly in view that essential particular.

The words "receive not less than par value" will, in the opinion of the board of directors, fully authorize a sale at *less than par value* abroad, if the sale expresses to receive par at home; and the bank realizes "not less than par" from the proceeds of the sale in specie or its equivalent.

Should the opportunity offer of selling the whole amount of one million five hundred thousand dollars, on such terms as you may be induced to dispose of that amount of bonds, you will do so, and as its immediate wants for money, will probably be fully met by a deposit of five hundred thousand dollars at the time specified above, and with a view to facilitate a sale *at once*, you can contract for the payment of the remaining million to be made in instalments, commencing 1st December, and ending 1st March. Our branches will not be ready to receive it earlier and the interest will consequently be saved by arranging the payments to be received at such times as they will most probably be wanted. * *

When you have perfected your arrangements and obtained the funds, you will procure the sum of ten thousand dollars change from the mint at Philadelphia, if it can be had from them, without too much expense and inconvenience, and you will also get the sum of one hundred thousand dollars in gold for the commencement of our operations, both of which amounts you will bring with you on your return to Arkansas.

The remainder of the funds arising from the advance or sale of the bonds, you will have deposited, subject to the check of the cashier or president. * *

As heretofore, you are again left to exercise your own discretion and judgment in all things connected with your mission, and with the hope that it may early terminate favorably,

I have the honor to be your obedient servant,
[Signed] A. H. DAVIES, *President*
R. E. Bank, *State of Ark's.*

EXHIBIT [J.]

Little Rock, Nov. 16, 1842.

MR. A. H. DAVIES—Will you be good enough to inform us if the settlement made by Col. A. H. Sevier, as agent for the Real Estate bank, in the sale of five hundred thousand dollars of State bonds, on account of that institution, was approved by the central board? and if so, did that board accord to him a vote of thanks, for the manner in which he discharged the duties of his agency?

Respectfully, your obedient servant,
A. RUST, *of the Select Committee.*

Little Rock, Nov. 17, 1842.

GENTLEMEN—In reply to your note of yesterday, requesting me to inform you if the settlement made by Col. A. H. Sevier, as agent

for the Real Estate bank, in the sale of five hundred thousand dollars of State bonds purchased by the Hon. Levi Woodbury, for an investment of the "Smithsonian legacy," was satisfactory to the central board of directors it gives me pleasure to say, that the settlement of the accounts of Messrs. Williamson and Sevier was not only satisfactory to the board, but their entire agency in the negotiation and sale of the bonds disposed of by them, the disposition and arrangement of the funds coming into their hands from such sale, their long and unwearied attention to all the matters connected with their mission, the prompt and faithful manner with which they discharged their every duty connected with it, was such as not only to give entire satisfaction, but to entitle them to the thanks and obligations of the board.

Though your request refers only to Col. Sevier, it is but justice to both gentlemen, that this public avowal should be made.

Very respectfully, your ob't serv't

A. H. DAVIES.

Hon. Messrs. A. RUST and J. F. GAINES.

Little Rock, 26th July, 1843.

I, Stephen S. Tucker, principal clerk of the House of Representatives, do hereby certify that the within letter of A. H. Davies to the gentlemen committee, Rust and Gaines, is a true copy of the original.

STEPHEN S. TUCKER,

Clerk of the House of Representatives.

Shepherd Laurie being duly sworn, deposeth and says:

Int'g. 1st. How long have you known W. W. Corcoran, of Washington city; and if you have known him for a considerable time, state whether he is a man of standing, and is he worthy of full credit under oath?

Ans. I have known W. W. Corcoran, (broker in Washington city,) since childhood. I know him to be a man of respectability, and I do not think that any one would say that he was unworthy of belief upon oath?

SHEPHERD LAURIE.

TREASURY DEPARTMENT, *6th Feb., 1843.*

SIR—I have the honor to transmit to you the transcript requested by your letter of the 3d inst.

Respectfully, your ob't serv't,

W. FORWARD, *Sec'y Treasury.*

Hon. A. H. SEVIER, *Senate.*

TREASURY DEPARTMENT, *Register's Office,* }
Feb. 6, 1843. }

I hereby certify the annexed statement, warrants, and drafts, to be true copies of the originals on file in this office.

T. L. SMITH, *Register.*

Be it remembered, that Thomas L. Smith, Esq., who certified the annexed transcript, is now, and was at the time of doing so, Register of the treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Walter Forward, Secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the seal of this Department,
 L. S. at the city of Washington, this sixth day of February, in the year of our Lord 1843. W. FORWARD,
Secretary of the Treasury.

No. 75,306.

Washington city, Sept. 4th, 1838.

The Secretary of the Treasury of the United States,

To William W. Corcoran *Dr.*

To 500,000 dollars six per cent. bonds of the State of Arkansas, at ninety-nine and nine-tenths per cent., \$499,500,000
 purchased by the Secretary of the Treasury in trust for the uses specified in the last will and testament of James Smithson, of London, agreeably to the sixth section of an act of Congress, entitled "an act for the support of the Military Academy of the United States, for the year eighteen hundred and thirty-eight, and for other purposes," approved 7th July, 1838.

The above account is correct. and the auditor is requested to state an account in favor of the said William W. Corcoran, for the above sum of four hundred and ninety-nine thousand five hundred dollars, in order that a warrant may issue for the payment of the same.

Sept. 4, 1838.

L. WOODBURY.

Treasury warrant, No. 9512. Appropriation,

Treasury Department, to John Campbell, Treasurer of the United States, greeting: Pay to William W. Corcoran, or order, out of the appropriation named in the margin, four hundred and ninety-nine thousand five hundred dollars; being for five hundred thousand dollars of six per cent. bonds of the State of Arkansas, at the rate of ninety-nine and nine-tenths per cent., purchased by the Secretary of the Treasury in trust, for the uses specified in the last will and testament of James Smithson, of London, pursuant to the 6th section of an act for the support of the Military Academy U. S., and for other purposes, approved 7th July, 1838, agreeably to a certificate of the Comptroller of the Treasury, No. 75306, dated 4th September, 1838, recorded by the register. For so doing, this shall be your warrant.

Smithsonian Institution,
founded at Washington, for
the increase and diffusion of
knowledge among men.

Given under my hand and the seal
of the treasury, this fourth day
of September, in the year one
thousand eight hundred and
thirty-eight, and of independence
the sixty-third.

LEVI WOODBURY,

Secretary of the Treasury.

\$499,500. Countersigned
Recorded, 4th.

J. N. BARKER, *Comptroller.*

T. L. SMITH, *Register.*

Received payment of the above warrant by drafts,	
No. 3170, on Penn. bk. U. S., at bk. of Ky., Louisville,	29,500
" 3171, on Bank of America, N. Y.,	76,000
" 3172, on Manhattan Company, N. Y.,	50,000
" 3173, on Collector, New York,	24,000
" 3174, on Penn. bank, U. S., Philadelphia,	70,000
" 3175, on Collector, Baltimore,	50,000
" 3176 on mint United States, Philadelphia,	50,000
	\$349,500
" 3225, on Collector, New-York,	150,000
	\$499,500

W. W. CORCORAN.

Benjamin J. Borden being duly sworn, states as follows:

Int'g. Are the certificate signed T. L. Smith, register, and the certificate signed W. Forward, secretary of the treasury, and the letters of L. Woodbury, correct copies of the original as sent to you to be printed in the Arkansas State Gazette, and published in a number of that paper, dated March 15, 1843.

Ans. They are substantially correct copies; the errors, if any, being only typographical, the original being lost or mislaid.

BENJ. J. BORDEN.

Interrogatories propounded by the committee, to Peter Hanger.

Int'g. 1st. Were you in the city of New York, in the year 1838, when Gen. T. T. Williamson was there as one of the commissioners to sell the bonds for and on account of the Real Estate bank?

Ans. I was there in the month of October, 1838, as bearer of the bonds to T. T. Williamson.

Int'g. 2d. Will you state to the committee what was the current rate of discount about that time upon southern and western funds in the city of New York?

Ans. I went with Thos. B. Lee, who was purchasing southern bank notes for T. T. Williamson, as commissioner, among the brokers on Wall street, upon several occasions, and as well as I recollect, the discount was from eight to fifteen per cent. I do not recollect

that I saw any western bank notes purchased by Lee during the time.

Int'g. 3d. State to the committee whether you knew of any co-partnership existing at that time between T. T. Williamson and T. B. Lee, either in conducting mercantile business, or in dealing in exchanges or the purchase of depreciated bank paper?

Ans. I knew of no partnership of any kind between them.

Int'g. 4th. Do you know whether T. B. Lee was in the employment of T. T. Williamson in the purchase of southern and western bank notes?

Ans. I understood from Lee that he was employed by Williamson, but never heard him say any thing about the compensation he was to receive.

Int'g. 5th. Did you hear Lee say any thing about the business connection existing between himself and T. T. Williamson, and whether said Williamson was indebted to him?

Ans. I heard Lee say repeatedly that Williamson was indebted to him for the payment of some drafts drawn on him (Lee) by T. T. Williamson, that he had advanced the money to sustain his credit in New Orleans.

Int'g. 6th. Did you mean to say, when you speak of southern and western funds that Cincinnati and Louisville funds were at from eight to fifteen per cent. discount, and do you recollect whether or not the southern and western banks were not paying specie at the time you were in New York with T. T. Williamson; and please state to the committee whether you understood from T. T. Williamson and A. H. Sevier, what their object was in converting the credit they, as commissioners of the Real Estate bank, had, in the North American Trust and Banking Company, into southern and western funds; whether the same was done, as they believed at the time, to facilitate the transmission of the funds to the Real Estate bank, or for their own pecuniary benefit?

Ans. I mean, when I speak of southern paper, only Mississippi. As well as I recollect, none of the Mississippi banks were then paying specie, but were expected to resume specie payment on the first of January, 1839. The western banks, I think, were then paying specie. I heard Williamson say he was instructed by the bank to invest a portion of the proceeds of the sales of the bonds in Mississippi bank notes, as they were expected to resume specie payment soon, and would answer the purpose of many of the stockholders, and thereby make a large profit to the institution. The operation of investment was, as I understand, for the interest of the bank.

PETER HANGER.

I do certify that Peter Hanger was duly sworn by me, and that the above answers by him given were under oath, and that he signed the said examination in my presence, and in the presence of the committee.

JNO. FIELD, *Chairman*
Joint Select Committee.

GOVERNOR'S MESSAGE.

*Fellow Citizens of the Senate
and House of Representatives:*

By the constitution of this State, it is made the duty of the Executive "from time to time, to give to the General Assembly information of the state of the Government, and recommend to their consideration such measures as he may deem expedient."

In discharging a duty, thus imposed upon me, I embrace the opportunity of congratulating you upon the favorable auspices under which you assemble. Within the short period of my administration, nothing has occurred permanently to impair the prosperity of the people, or to check the growing importance of the State, as a member of the Union.

All the elements of prosperity, connected with a genial climate and fertile soil, are in a most healthy state, calculated to secure and advance the happiness of all portions of the country.

A people, thus favored, ought, upon all proper occasions, to remember the high obligations they are under to Divine Providence for the benefits thus conferred, and devoutly hope for their continuance, as the destinies of nations and men are in his hands.

For several years past, no portion of the Union has been exempt from a commercial and pecuniary derangement, growing, no doubt, out of a spirit of speculation and extravagance unparalleled in the history of the country. But from the character of our peculiar system of Government, based as it is upon the virtue and intelligence of the people, and their capacity for self-government, and so framed as to allow all to engage in such pursuits as their inclination may direct, connected with the enterprise and industry of the people, we may confidently anticipate that the time is not distant, when, by a proper administration of the government, pecuniary embarrassments will cease—commerce will assume its proper channel, and all the elements of prosperity so abundant in this State will have their full effect upon the labor and industry of the country.

The system of economy which pervades the whole country, growing out of the commercial and monetary difficulties through which we have been, and are still passing, and which has visited all classes of the community, will no doubt secure that general prosperity so ardently desired. This is essentially an agricultural State; ninety-nine out of every hundred of our population are agriculturists; and it is con-

fidently believed, that one of the most desirable things to be accomplished is permanency in legislative action, which ought at all times to be kept in view by every department of the government. I cannot, therefore, too earnestly recommend such a course of legislation as will produce *changes in the laws* only where experience has shown them indispensable. Changing the laws too frequently, invariably produces hardships and derangements, which would otherwise have been avoided.

By this cautious system of legislation, the cultivators of the soil, who compose so large majority of the people, will be secured more certainly in their just rights, without infringing upon the rights of others—and thus, the prices of the products of the soil and the wages of labor will be more uniform and certain.

A wild and extravagant system of legislation is more to be deprecated in a free country like this, than any thing else. Such a course of legislation, together with the operation of the banks in many of our sister States, as well as in our own, has had a tendency to neglect the interest of the producing classes, while it protected the supposed interest of large dealers and bankers. Hence the cause of that wild spirit of speculation and extravagance, which for a time prostrated the best interest of every department of life.

I presume it is beyond controversy, that a system of legislation has been adopted in many parts of the Union, which had for its object the advancement of the interest of the banks, enabling them to practice a system of favoritism by extending large loans to a few extensive dealers, to the almost entire exclusion of those who operated upon a smaller scale, as well as the community generally; which resulted disastrously both to the banks and to the people.

Aided, therefore, by the experience of the past, we will be prepared to avoid such unhealthy legislation.

At the last session of the General Assembly, an act was passed placing the bank of the State in liquidation, and requiring heavy calls to be made upon its debtors. The soundness of that act cannot at this day be questioned. At the period of its passage, the bank was in a state of suspension of specie payment, and its circulation had sunk to a most ruinous depreciation, and it exhibited an incapacity to resume the payment of specie, or to redeem at an early period its paper. The necessity, therefore, pressed upon the General Assembly to place the bank in a condition to be wound up with as little loss as possible to the note holders. Since the bank has been undergoing the process of liquidation, its circulation has been reduced from a large, to comparatively a very small amount, producing at the same time as little oppression in the community, as the General Assembly could have anticipated.

The amount of notes issued by the State bank and branches, outstanding on the 26th day of October last, after deducting the amount already burned, and the amount on hand to be cancelled and burnt, was \$172,355.

Towards the redemption of this sum, there are already in the vaults

of the principal bank, \$128,000, in the notes of the Real Estate bank and branches, to which may be added the amount of notes collected by the receivers of the different branches since their last returns.

Thus it is manifest, that under the regular operation of the law, in much less than two years more, the entire circulation will have been take in. After that period, the debtors will be forced to pay their calls in specie, which, under the present arrangement, will be impracticable.

Had it been the good fortune of our citizens to have escaped a most extraordinary flood of water which visited us in the planting season, and had they succeeded in making their ordinary crops, I should have deemed it unnecessary to suggest the propriety of any alteration in the act of liquidation. But the overflow of our rivers having prevented our planters and farmers in a great many instances from making any crops, and in others not more than one-half or one-third of their ordinary produce, thus keeping out of immediate circulation at least one million of dollars, it is rendered impossible, it seems to me, for our citizens to meet punctually, without creating further liabilities, the heavy calls now made upon them.

I therefore conceive it my duty, to recommend to your favorable consideration, the propriety of so amending the act of liquidation, as to lessen the calls now made upon the debtors. Believing confidently, that by reducing them one third, or even one half, no damage would thereby accrue to the State or to the note holder.

"An act to settle and liquidate the affairs the Real Estate bank," was passed by the last General Assembly, and approved the 31st of January, 1843, authorizing an election to be holden on the 1st Monday in March, thereafter, for the purpose of electing ten trustees, whose duties were specially defined in said act. I regret to say, no such election took place; and the patriotic intentions of the legislature have been totally frustrated.

The condition of the Real Estate bank is unknown to the community, whose interest is so deeply involved in its management. It will be seen, however, from the report of the auditor of public accounts, that the whole amount of issues of the bank and branches, is \$854,650; that the amount redeemed and burned, up to the 30th of September last, is \$384,730; and that there are in the vaults of the principal bank, ready to be burned, \$182,620, exclusive of the amount received at the different branches since the last of April. It will be readily perceived by the General Assembly, that the above statement gives only a partial account of the condition of the bank. Whether the property and assets of the bank are applied to the legitimate objects of its creation, I am unable to say, but hope the General Assembly will find, upon examination of its condition and mode of operation, its situation to be such, as will secure to it a greater share of public confidence than it now possesses.

I have but little doubt however, that the want of confidence in the operations of the bank, as manifested in various portions of the State, proceeds more from the fact that all information in relation to it has

been kept in the hands of a few individuals, than from any corruption in its administration.

Nevertheless, it is due to the citizens as well as to the individual stockholders themselves, that the bank, from its beginning to the present moment, should be thoroughly investigated by the General Assembly and its condition laid before the public.

The history of the bank already presents the most extraordinary picture ever exhibited to a free people. In the first place, a public corporation is created by the solemn act of the legislative department of the government, involving the rights and privileges of individuals, as well as the State. In the next place, the act of incorporation giving existence to the bank, is destroyed by an *ex parte* operation of a few individuals, by which a deed of assignment was made to a few men, denominated residuary trustees, whereby the assets of the bank of every description were transferred into the hands of said residuary trustees and their officers. From that period, the operation and management of the bank has been involved in profound mystery. Consequently, I deem it my duty to recommend to the General Assembly an impartial and thorough examination into its affairs, and such other measures as your wisdom will most readily suggest,—affording at the same time, all the aid in your power to the institution, in winding up its affairs, consistent with the interest of the State. It will not be contended by any, that the General Assembly has not the power to examine into the condition of this institution; and certainly, no one who is connected with its administration will do otherwise than solicit and even aid in its thorough investigation.

If the president and directors of a corporation have the power to destroy its corporate existence, in opposition to the express will of the legislature, and forbid the representatives of the people from examining into its condition, it does not require much foresight to determine, that the time is not remote, when our corporations will defy the authority of the other departments of the government, resolve themselves into legislative bodies, and make laws to advance their own interests, in violation of the rights of others.

When this shall be the case, all the great principles of our government, worth preserving, will be gone, and we shall be governed by a set of soulless corporations, instead of the voice of a free people.

At the last session of the General Assembly, \$288,425 69 cents were appropriated for the support of the government, and owing to the economy and fidelity of its officers, in their administration, only \$163,005 45 cents have been expended, leaving on hand at this time \$125,409 74 cents, which will be subject to the direction and control of the legislature.

It will be perceived by the General Assembly, that the condition of the State treasury is not in a condition to pay off the interest, which has already accrued on the State bonds. This is greatly to be regretted by all who desire the honor and interest of the State preserved untarnished.

But it sometimes occurs with nations, as with individuals, that in

the management of their monetary affairs, it is impossible for them to meet their engagements at the time agreed upon. This is the present situation of our State.

Still, it is to be hoped, that the large indebtedness to the banks will greatly aid the payment of the interest on the State bonds before a great period shall elapse.

The amount of interest due on the bonds sold by the State bank up to the 1st day of October last, is \$214,407 50 cents; of which \$116,907 50 cents are payable in New York, and \$97,500 in London.—The amount of interest due on the bonds sold by the Real Estate bank, without including the 500 hypothecated bonds, up to the 1st day of October last, is \$290,100, of which \$260,900 are payable in New York, and \$29,200 in London; making the total amount of undisputed interest, \$504,507 50 cents, remaining due and unpaid up to the 1st of October last.

In relation to the bonds held by citizens of London, in the kingdom of Great Britain, I have received a communication from Joseph Hume and others, inclosing a memorial to the General Assembly, requesting the speedy payment of the interest due on the bonds held by them and other citizens of Europe, which memorial is herewith transmitted.

Our citizens are already oppressed by taxation to meet the expenses of the State government; and I am, therefore, unprepared to recommend an increased taxation, for the purpose of meeting the interest on the State bonds; but prompt and energetic measures should be adopted with the means and assets of the banks, to discharge the interest upon all such bonds as have been sold in good faith, and in strict accordance with the bank charters.

My predecessor saw proper, for the purpose of doing ample justice both to the State and to the bond holders, to recommend the appointment of an agent or commissioner, under the authority of the legislature, to investigate fully the subject of the sale of the bonds, in order to ascertain those sold in good faith, and report accordingly to the next legislature. I fully concur with him in recommending the creation of such an officer, as I presume no portion of our population would be willing to pay the interest on bonds fraudulently obtained, or disposed of in violation of the constitution and laws of our State.

Under the act of Congress approved 4th September, 1841, distributing the proceeds of the sales of the public lands among the several States, Arkansas was entitled to 500,000 acres. Immediate steps were taken by my predecessor to carry the act into effect, by the appointment of locating agents, and at your last session there had been located 123,720 acres. I have continued to make locations under the system adopted by him, and in conformity with the acts of the legislature relative thereto.

Up to the 30th of October last, the locating agents had selected 478,982 acres. Of this, 255,527 acres have been confirmed to the State. The amount of lands selected and not yet confirmed, is 189,715 acres. The amount selected, the plats of which are not in the register's office, is 34,640 acres. Of the lands above selected and con-

firmed, sales have been made and applications received for the purchase of 136,000 acres.

For the better protection of the interests of the State in the locating and disposing of her lands, which has already become an extensive business, it will require the vigilant attention of an agent under the direction of the legislature. The duties of the executive are so numerous, and his presence is so constantly required at the seat of government, that it is impossible for him to advance the interest of the State in the management of her lands. I would therefore recommend to your consideration the propriety of establishing a land office separate from the executive department, and the appointment of an agent, whose duty it should be to dispose of the land belonging to the State subject to the approval of the executive, and to perform such other duties as the interest of the State may require connected with her lands.

In changing the penal code of the State, by establishing a penitentiary system, it was not, I apprehend, the intention of the State to create a large surplus revenue from the labor of the convicts, but rather for the suppression of vice and the punishment of crime, as well as the improvement of the criminal. How far this change has produced the effect intended is still a matter of speculation and doubt in the minds of many.

It is evident, however, in my judgment, that no system, possessing less the principles of humanity, could have produced more general satisfaction in the community. It was not the design, furthermore, to make the labor of the convicts conflict with the labor and industry of the citizens.

It is supposed, by some, however, that it does conflict injuriously with a highly respectable class of our population, and has consequently become unpopular in many parts of the State. Whether this be true or not, it is believed to be so, and it is the duty of the General Assembly so to change the labor of convicts, as to silence any complaints that may exist and produce as much satisfaction in the community as possible, provided it can be accomplished without bringing an expense upon the State. In examining the mode of conducting the labor of the penitentiaries of other States, we see that it has been one of their grand objects to keep such labor from interfering as far as practicable with the labor of the citizen, by employing the convicts in the manufactory of bagging and rope, coarse cloths, coarse shoes, &c., which are considered cash articles and always find a ready market.—Wherever this has been done, quiet has been produced in all classes of the community, and a greater revenue to the State.

It will be seen from the report of the agent of the penitentiary, that the value of work, tools, stock on hand, debts due, improvements made, and all effects purchased since the 10th of February, 1842, amounts to the sum \$9,106 82 cents. Its expenditures for the same period, will be seen from the following exhibit:

Cash drawn from the treasury, \$7,681 25; due to agent, physician, and guard, \$1,375 12; debts due to sundry individuals, \$2,822 99;

amounting in the aggregate to \$11,879 36 ; the number of deaths since 31st October, 1842, are 2 ; the number of pardons for the same period, 2 ; the whole number of deaths, pardons and escapes during the same period, 6 ; the number of convicts now in the penitentiary is 42. The exhibit made by the agent shows that the State has lost in the last two years by the penitentiary, \$2,772 83 cents. The failure of the institution to meet its expenditures will not, I presume, produce any surprise, when the difficulties under which it has labored are taken into consideration.

All similar institutions are necessarily an expense for the first five years of their existence, and that too where a much readier market and higher prices were obtained than with us. This institution had also to labor under all the difficulties of a depreciated currency and extensive credit system. For the purpose therefore, of keeping up the institution, and preventing the State from sustaining a much greater loss, it has become necessary for the General Assembly to make an appropriation of three thousand dollars, to purchase materials absolutely necessary to keep the convicts employed, and to sustain the interest of the institution, which will more fully appear from the report of the agent of the penitentiary herewith submitted for your favorable consideration.

I regret to say that Divine Providence has seen proper to remove from among us, the Hon. Wm. S. Fulton, one of our Senators in Congress, who has filled so many important stations, with honor to himself and benefit to the country. This regret is deeply felt, no doubt, by the great mass of our people as well as by their immediate representatives. The duty therefore devolves upon you to fill the vacancy which has thus occurred, and the propriety of doing so at an early period of the session is submitted for your consideration.

A vacancy has also occurred in the supreme court, by the resignation of the Hon. George W. Paschal ; also one in the sixth judicial circuit, by the resignation of the Hon. John Field. The office of prosecuting attorney in the sixth and also in the first judicial circuits, as well as the office of treasurer of the State. All of which have been filled by the executive.

In the year 1827, the Congress of the United States donated seventy-two sections of land to this State for the purpose of establishing a seminary of learning. The lands were selected and confirmed by the secretary of the treasury. In 1838 and 1840, the General Assembly passed acts authorizing the executive to dispose of the land, and although a considerable portion has been sold, I regret to say that nothing has yet been done towards the erecting of a seminary. The quantity of land sold and the amount of sales, will fully appear from the auditor's report, which is herewith transmitted.

The great importance of institutions of learning will be acknowledged by all ; and none can better appreciate it than the General Assembly, who have been selected by the people as the guardians of their rights. I would consequently recommend to your consideration

such a course in relation to this subject as your wisdom will most readily suggest,

An act was passed by the General Assembly and approved the 2d of February, 1843, making it the duty of both Houses to elect a geologist of the State, pointing out specifically his duties. The election thus authorized, was not made by the legislature, and the executive did not conceive that he had the power, under the constitution, to fill the requirements of that law by appointment. Consequently the act has remained a dead letter upon the statute book. I would therefore recommend that the election of a geologist be made according to the requirements of that law.

There are many other subjects of deep and vital importance to the whole country, which will occupy, no doubt, your deliberate consideration, before your adjournment. These will be brought to your notice by the Governor elect, who so immediately succeeds me, that it will be unnecessary to extend this communication to a greater length.

In conclusion, allow me again to congratulate you upon the favorable auspices under which you assemble; to invoke over all your patriotic deliberations, the aid of an over-ruling providence, and to hope that all your acts may redound to the peace, happiness and prosperity of all portions of our beloved State.

With sentiments of the highest respect, I have the honor to be your friend and fellow citizen,

SAMUEL ADAMS.

Little Rock, November 4th, 1844

AUDITOR'S REPORT.

AUDITOR'S OFFICE,
Little Rock, Arks., 1st Oct., 1844.

To his Excellency SAMUEL ADAMS,
Governor of the State of Arkansas:

SIR— Agreeably to section eight of chapter eighteen “revised statutes of Arkansas,” the auditor has the honor to make to you this report, showing the condition of the fiscal affairs of the State, and the receipts and expenditures, for the last two years, ending with the 30th day of September, 1844.

Tabular statement marked A. exhibits the appropriations made at the last session of the General Assembly, with the balances of former appropriations unexpended on the 1st day of October, 1842, amounting together to \$288,415 69: upon which warrants have been drawn for \$163,005 95; leaving unexpended on the 1st day of October, 1844, \$125,409 74.

Statement marked B. shows the receipts into the treasury, from all sources for two years ending with the 30th day of September, 1844, the expenditures of the State during the same period, and the amounts of funds unexpended, remaining to the credit of the State in the bank of the State of Arkansas, at Little Rock, on the 1st day of October, 1844, amounting in the aggregate to \$126,367 03.

This sum is composed of the Saline fund, \$151,37; the five per cent. fund, \$68,777 20; the seminary fund, \$2,188 41; the common school fund, \$1,515 84, and of the balance of the surplus revenue fund subject to ordinary expenditures of the State, \$53,630 21. This statement also shows that all the bonds given by the Governor for money borrowed of the Bank of the State of Arkansas and of the branch of that bank at Fayetteville, amounting, with interest thereon, to the 9th day of June, 1843, to \$180,855 83, have been paid; and also gives, in detail, other important information connected with the fiscal affairs of the State.

All the notes belonging to the seminary fund, as far as they have been reported to this office, are designated in statement marked E. in the auditor's report of 1st October, 1842, and amount to \$29,269 53, bearing interest at the rate of ten per cent. per annum.

This sum added to the amount of this fund as above stated, shows the total amount of the seminary fund to be \$31,457 94, exclusive of interest due on the notes.

Statement C. exhibits each species of property taxed for the year

1843, and D. for the year 1844; the value of each species; the value of property taxed in each county and in the State, and the amount of taxes charged to sheriffs, as far as returns from the clerks have been received. To form these statements, required much time and labor; and although they have been prepared with care, they may contain slight errors, as some of the returns are rather complicated; but it is believed that no errors of magnitude will be found in them.

Statistical table marked E. shows the aggregate value of each species of property taxed and the total value of property taxed in the State, annually, for seven years, commencing with the year 1838 and ending with the year 1844, and the amount of taxes charged thereon for each year, as shown in this and former reports. During this whole period the rate of the State tax has been one-eighth of one per cent. on the assessed value of taxable property; and no change of any importance has been made in the revenue law.

On the 13th day of October, 1843, the supreme court of this State decided "that so much and such part of the first section of the 128th chapter of the revised statutes of this State as purports to impose a State tax on *improvements* on town lots, is repugnant to the provisions contained in the second section of the seventh article of the constitution of this State—and void." And that, the "legislature possesses no power to restrict its operation to such lands or improvements thereon or any other species of property subjected to taxation, as may be situated in any specified portion of the State, or in any sectional or legal division or subdivision thereof, because no such restriction can possibly exist if the tax imposed be uniform and equal throughout the State."

One-eighth of one per cent. on the assessed value of all improvements, on town lots, in the State, was formerly collected as a State tax; but since this decision, no revenue can be derived from this source, under our present laws.

The account of every sheriff in the State for revenue of the year 1843, charged on the books of this office, was duly settled within the time prescribed by law.

There were forty-five sheriffs, and such punctuality in all of them is highly commendable, and creditable to our State.

The whole amount due from defaulting sheriffs, exclusive of penalties, is \$8,123 44; of which sum, \$4,003 24 are due from a former sheriff of Chicot county, for revenue of the year 1838, and \$903 51 from a former sheriff of Crittenden county, for revenue of the year 1840; for the recovery of both of which, suits are now pending in chancery.

These two sums deducted from the whole amount leave \$3,216 69, of which the sum of \$842 76, is charged for revenue of the year 1837, to the last sheriff, under our laws, in Miller county, which now forms a part of Texas; and which amount it is believed the sheriff was unable to collect, as the people taxed considered themselves citizens of Texas;—and the balance of \$2,373 93, is composed of amounts charged to thirteen other sheriffs; eleven of whom were elected under the territorial and two under the State government.

The clerks have generally been prompt in making their returns to this office, and have manifested a disposition to conform to law in making them.

"An act for the compensation of the clerks of the county courts," approved 31st January, 1843, provides, "that the clerks shall receive the sum of twenty-five cents per tract for all the duties incidental to the selling of lands for taxes on the forfeiture of the same to the State;" and that the auditor shall collect the same from the persons redeeming or purchasing the land.

Upon the redemption of all lands forfeited since the passage of this act, the auditor has had the clerks' fees collected by the State treasurer, who retains them until called for by the clerks. Lands forfeited to the State, especially in the military district, generally remain unredeemed many years, during which time the clerks would be deprived of their fees.

It is recommended that some other provision be made by law for paying such fees at the time the service is rendered.

It is the humble opinion of the auditor that the interest of the State would be promoted and fewer lands would be forfeited to the State for taxes, were non-residents, and citizens owning lands and town lots in counties in which they do not reside, authorized by law to pay taxes on such lands and town lots directly into the State treasury.

This privilege might be granted without any additional tax upon the State treasury, and without lessening the commissions of sheriffs. The taxes and costs due on lands already forfeited to the State, amount to at least \$100,000. Would it not, therefore, be expedient, at a time when real estate is in so little demand, to offer to non-residents every just facility to induce them to be punctual in paying taxes on their lands, and thus increase the available means for the support of the government?

All the lands, sold by the United States in this State, from the organization of the land offices, to the first day of January, 1844, have been systematically recorded, in this office, in well bound books, under the captions of the respective townships in which they are situated.

From information filed in this office, it appears that lands of the grant of 500,000 acres made by the United States to this State, have been sold to the amount of 50,004 55-100; of which, 49,025 26-100 acres were sold under the act of 31st December, 1842; 697 15-100 acres under the act of 27th January, 1843; and 282 14-100 acres under the act of 4th February, 1843.

The notes taken for the sales of these lands are filed with the State treasurer, and amount in the aggregate to \$102,863 31, as appears by the records of them in this office.

To compensate agents for selecting and selling lands of the grant of 500,000 acres, and to pay all the contingent expenses incident to this business, have required heavy and extraordinary expenditures out of the State treasury. Those already paid amount to about \$13,000, which, if we would avoid incurring a State debt or imposing taxes to augment the internal improvement fund, should be repaid into the

State treasury out of that fund; and provision be made for it to bear all such expenditures in future.

On the 31st day of May, 1843, thirty-two of the bonds; given by the Governor for money borrowed of the Real Estate bank, with interest from the 1st day of January to the 31st day of May, 1843, amounting together to \$32,666 66, were paid under section twenty-nine of "an act to place the Real Estate bank of the State of Arkansas in liquidation," approved 31st January, 1843.

By reference to the law, it will be seen that these bonds were paid with notes of the Real Estate bank, which had been received by the State bank in payment of debts due to it.

Before the State bank was placed in liquidation, its officers were paid out of the funds of the bank; but under existing laws, they are paid out of the State treasury; thereby greatly increasing the expenditures.

Under the requisitions of "an act to place the bank of the State of Arkansas in liquidation," approved 31st January, 1843, the auditor has assisted the bank receivers and State treasurer, in comparing with the records and burning notes of the bank of the State of Arkansas and its branches, amounting in the aggregate to \$1,007,760; and also in like manner in burning blank bank note impressions, amounting to \$3,152,070. The amount of all the notes ever issued by this bank and its branches, is reported to this office to be \$1,216,900.

In answer to a communication from the auditor, the cashier and secretary of the Real Estate bank states—"The whole amount of the issues of the Real Estate bank and branches, is \$854,650:"—that the "amount redeemed, cancelled and burnt up to the 30th September, 1844, is \$384,730."

On the 29th day of July, 1844, at the suit of the State, the supreme court adjudged the charter of the Real Estate bank to be forfeited; up to which time the bonus due to the State from the bank, under section thirty-six of the charter, amounted to \$12,826 37, which still remain unpaid.

For money borrowed of this bank, under an act approved 28th December, 1840, it holds six bonds of the State, each for \$1,000, bearing interest at the rate of five per cent. per annum, upon all of which the interest has been paid to the 1st day of January, 1843. Three of these bonds are dated 30th June, 1841, and three 13th August, 1841; the former will be due 30th June, 1851, and the latter, 13th August, 1851. All other bonds given for money borrowed for the use of the State treasury, have been paid.

These six bonds were left unpaid to off-set part of the amount due from the Real Estate bank to the State.

In order to ascertain and make a full statement of all the liabilities of the State, the auditor has obtained, from the officers of the banks, and now presents some information in relation to interest due on State bonds sold by these institutions. On the 1st day of October, 1844, the interest due from the State bank on account of eleven hundred and sixty-nine State bonds sold by it, amounts to \$214,447 50, of which

the sum of \$116,907 50 is payable in New York, and \$97,500 in London. One hundred and sixty-nine of these bonds bear interest at the rate of five per cent. per annum, and will be due and payable in New York on the 1st day of January, 1887 ;—and one thousand bear interest at the rate of six per cent. per annum, and will be due and one half payable in New York and the other in London, on the first day of January, 1868.

Without including the five hundred State bonds hypothecated by the Real Estate bank, the interest due on the first day of October, 1844, on the other fifteen hundred and thirty State bonds sold by the Real Estate bank, amounts to \$290,100 ; of which, the sum of \$260,900 is payable in New York, and \$29,200 in London.

All the bonds issued to the Real Estate bank, bear interest at the rate of six per cent. per annum, and will be due on the 26th day of October, 1861.

It therefore appears that on the 1st day of October, 1844, the regular and undisputed interest due from the two banks on account of State bonds sold by them, amounts to \$504,507 50, of which the sum of \$377,807 50 is payable in New York, and \$126,700 in London. In answer to a communication from the auditor, the cashier and secretary of the Real Estate bank states, that thirteen of the State bonds heretofore sold by that bank, have been received in payment of debts due to it ; and that sixteen of the five per cent bonds and three of the six per cent. bonds sold by the State bank, have in like manner been received by the Real Estate bank.

Statement marked F. contains estimates of the probable receipts and expenditures under existing laws, for two years, ending with the 30th September, 1846.

By examination of this statement, it will be seen that it will be necessary to relieve the State treasury from all extraordinary expenditures ; and to observe the most rigid economy in all the departments of the government, or our present means and the revenue which will be paid into the State treasury during the next two years, will not be sufficient to meet the expenditures.

It is the humble opinion of the auditor, that it would, hereafter, be good policy to avoid extraordinary expenditures as far as practicable ; and when demanded by the interests of the State and the welfare of the people, that the most effectual check to extravagance would be insured by the adoption and strict adherence to a policy requiring in every instance provision for ample revenue to discharge all dues from the treasury without incurring a State debt.

Under such a policy, the wishes and best interests of our citizens could not long remain unconsulted ; and when duly regarded, to the support of a just government administered with an economy lessening the burthens of taxation as far as sound policy would admit, the people would be found ever willing to contribute sufficient revenue.

Were some provision made by law to relieve the State treasury from the continual expenditures on account of the penitentiary, it would doubtless promote the interests of the State.

Since the reduction of salaries at the last session of the General As-

sembly, those attached to offices provided for by the constitution, do not appear extravagantly high, especially when it is taken into consideration that they are paid in Arkansas bank *paper*, *at par*, which is only worth about fifty cents to the dollar.

The contingent fund of the executive department is never drawn upon by the executive, the secretary of State, auditor or treasurer, to pay for fuel or lights used in their respective offices, but each pays for them out of his own private funds: and this has been the general practice since the organization of the State government.

Statements G. and H. contain information in relation to State bonds sold by the banks.

Tabular statement I. shows the amount of county tax due to each of the counties named therein on account of forfeited lands disposed of by the auditor.

If specie could be provided to pay for all public printing, stationery and postage, it would very much lessen expenditures.

The whole amount of specie paid by the bank of the State of Arkansas, as part of the surplus revenue fund up to the 1st October, 1844, is \$20,184 85, of which, the sum of \$15,983 was paid to the members and officers of the legislature at the last session; and \$3,833 50, for printing the journals of the legislature; and \$368 35 for printing reports of the supreme court. The balance of this fund used has been paid in Arkansas bank paper.

By section thirty-two of "an act to establish a system of common schools in the State of Arkansas," approved February 3d, 1843, the auditor was authorized to expend one thousand dollars of the common school fund, deposited in the bank of the State of Arkansas at Little Rock, to purchase school books for the common schools of this State, and to distribute them to the boards of commissioners of the several counties in proportion to the number of children in each county between the ages of five and twenty-one years. The law requiring that these books should be purchased in some eastern city, where they can be had on the best terms, the Auditor applied in person and writing to the officers of the bank for the one thousand dollars in *specie or par funds*, but they refused to pay any thing but *Arkansas bank paper*, which could not be used in any of the eastern cities. Under these circumstances, the money has not been drawn, nor have the books been purchased; but the whole matter is left subject to the action of the legislature at the approaching session.

If provision should be made by law for the bank to pay the amount of the appropriation in *specie*, the school books could be obtained without sacrificing one half of the fund appropriated.

In establishing a system of common schools for the State, it is deemed a matter of much importance that school books of the best and most approved kinds should be obtained.

The auditor has collected some information in relation to this subject, and has also received several parcels of school books from publishers who forwarded them for his examination, with the prices at

which such books would be furnished should they be adopted for our common schools.

Wishing to make the most judicious selections, the auditor suggests that the committee on education examine the information and school books in his possession, and advise him what kinds of books shall be adopted and procured for our common schools. This should be done at some period in the early part of the session of the legislature, to enable the patrons of some schools about being organized to procure for them books similar to those adopted for the use of the common schools.

By section 23 of the school law, it is made the duty of the township trustees annually, on the first Saturday in August, to take an enumeration of all the children in their respective townships between the ages of five and twenty-one years, and to make return thereof to the clerk of the county court; and by section 24, the clerk is required to furnish an abstract therefrom to the auditor, before he can comply with that part of the law requiring him to distribute school books to the boards of commissioners "in proportion to the number of children in each county between the ages of five and twenty-one years."

The auditor forwarded to each clerk a tabular form for the abstract so required, and accompanying the form, a circular letter designed to elicit from each clerk what action had been taken in his county towards disposing of the sixteenth sections and organizing the common school system.

Returns have been received from only fourteen counties; and but little has been done in any of them. The returns from all the clerks would have to be received by the auditor before he could, under this law, distribute school books at all; and those returns would have to contain a full enumeration of all the children, or injustice in distributing the books would be done some of the counties.

To distribute the school books, when obtained, in proportion to the representation of each county in the House of Representatives, would be practicable; and should they be procured in time they might be distributed with the laws.

The common school law is so complicated, and requires the concert of action in so many officers, that in the humble opinion of the auditor, the system for which it provides can never be fully organized in a State so sparsely settled as ours. To organize every township and county in the State under this law, would require about 5,800 officers, all to act and attend to duties assigned them without any compensation, but the satisfaction derived from aiding in the cause of education.

This law, in some respects, conflicts with the act of Congress authorizing the State to sell the sixteenth sections; and also provides for the distribution of the saline fund for the use of common schools in violation of the act of Congress requiring this fund to be expended for making internal improvements.

For the organization of a system of common schools, it is the humble opinion of the auditor that a new law should be passed;—plain, comprehensive, requiring fewer officers and proper accountability in

them; and that duplicates of their bonds, and returns of all sales of lands and of their other proceedings, should be filed in some office at the seat of government for the information of the legislature.

Such a system being adopted, concentrated information of its operations in every county in the State would be afforded; and those having the power would be the better prepared to correct any evils which might exist in the system.

I am, very respectfully,

Your obedient servant,

ELIAS N. CONWAY, *Auditor*
of *Public Accounts of the State of Arkansas.*

[B.]
RECEIPTS, & c.

A TABULAR STATEMENT, showing the receipts into the State Treasury, from all sources, from the 1st day of October, 1842, to the 30th day of September, 1844, both days inclusive, the expenditures of the State during the same period, and the amounts of funds unexpended, remaining to the credit of the State, in the Bank of the State of Arkansas, at Little Rock, on the 1st day of October, 1844.

TIME PAID IN.	Cash paid by Collectors.	Surplus revenue withdrawn from the State Bank under Sec. 2 of appropriation act, approved 3d February, 1843.	State Tax paid for Lands.	Paid by the Secretary of State for Revised Statutes sold by him.	Escheats to the State.	Paid by six of the securities of John Hutt, late Treasurer.	Total amount paid into the State Treasury for State Revenue.	County tax paid for Lands.	Escheat in Pulaski county under Sec. 85 of School Law.	Common School Fund under Sec. 185 of Revenue Law.	Total amount paid into the State Treasury.	Surplus Revenue Fund subject to be used for expenses of the State under Sec. 2, of Act of 3d February, 1843.	Five per cent. Fund for Internal Improvements.	Seminary Fund.	Common School Fund.	Saline Fund for Internal Improvements.	Total amount to the credit of the State in Bank.
	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.
4th Quarter of 1842, - - - - -	21,777 81		314 85	48 00	577 67		22,718 33	395 70			23,114 03						
1st Quarter of 1843, - - - - -	65 61	62,386 44	1,440 78				63,892 83	773 84			64,666 67						
2d Quarter of 1843, - - - - -	1,071 17	10,669 00	76 95				11,817 12	55 05	* 18 11		11,890 28				121 72		
3d Quarter of 1843, - - - - -	889 87	13,833 50	41 38				14,764 75	57 06			14,821 81						
4th Quarter of 1843, - - - - -	23,766 54	6,000 00	137 24			197 40	30,101 18	194 74			30,295 92						
1st Quarter of 1844, - - - - -	49 75		780 73				830 48	322 24		124 00	1,276 72						
2d Quarter of 1844, - - - - -	96 44	9,000 00	451 53				9,547 97	745 32			10,293 29						
3d Quarter of 1844, - - - - -	1,923 03	3,350 00	24 15				5,297 18	31 65			5,328 83						
	49,640 22	105,238 94	3,267 61	48 00	577 67	197 40	158,969 84	2,575 60	18 11	124 00	161,687 55						
Balance of State Funds reported to be in the State Treasury on the 1st October, 1842, - - - - -										\$3,946 45							
Balance of County Funds reported to be in the State Treasury on the 1st October, 1842, - - - - -										2,794 69							
										\$6,741 14							
Deduct amount of deficit in the accounts of John Hutt, late Treasurer, in his transactions with the Bank of the State of Arkansas, at Little Rock, as discovered by the Auditor in carrying into effect Sec. 2, of Act approved 3d February, 1843, to wit: under his first bond, from the 21st December, 1838, to the 22d December, 1840, \$3,823 42, for which suit is pending; and under his second bond, from the 22d December, 1840, to the 1st October, 1842, \$189 52, which \$189 52 has been paid by his securities, as shown above, including interest. - - - - -										4,012 94							
Balance of each fund on the 1st October, 1842, - - - - -											2,728 20	339,724 98	68,777 20	2,188 41	1,394 12	151 37	
											164,415 75						
Of the Surplus Revenue Fund, there has been used, under act of 3d February, 1843, as shown above, the sum of - - - - -										\$105,238 94							
And under act of 31st January, 1843, to pay bonds given by the Governor for money borrowed of the Bank of the State of Arkansas, at Little Rock, \$135,000, and for interest thereon to the 9th June, 1843, \$31,484 17, - - - - -										\$169,484 17		286,094 77					
And also to pay a bond given for money borrowed of the Branch of said Bank, at Fayetteville, \$10,000, and interest thereon to the 9th June, 1843, \$1,371 66, - - - - -										11,371 66							
EXPENDITURES.																	
WHEN EXPENDED.	Amount of Warrants issued.	Amount of warrants outstanding 1st Oct., 1844, and when issued.	Total amount of Warrants redeemed.	Drafts of County Treasurers paid.	County Tax refunded without Warrants.	Total amount of County Tax paid out.	Amount of Scrip redeemed.	Interest paid on Scrip redeemed.	Total amount of Scrip and Interest	Total amount paid out.							
	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.							
4th Quarter of 1842, - - - - -	30,452 84		30,452 84	1,060 13	10 80	1,070 93	414 00	135 00	549 00	32,072 77							
1st Quarter of 1843, - - - - -	58,808 42		58,089 45	326 25		326 25				58,415 70							
2d Quarter of 1843, - - - - -	10,523 95		10,225 95	1,313 35		1,313 35				11,539 30							
3d Quarter of 1843, - - - - -	14,469 81	250 00	14,432 78							14,432 78							
4th Quarter of 1843, - - - - -	13,564 61	250 00	13,469 11	309 56	40 92	350 48	1 00	60	1 60	13,821 19							
1st Quarter of 1844, - - - - -	13,098 16		13,215 52	278 79	12 61	291 40	6 00	6 24	12 24	13,519 16							
2d Quarter of 1844, - - - - -	10,848 19	1,500 00	9,348 19	591 65		591 65				9,939 84							
3d Quarter of 1844, - - - - -	11,199 97	1,202 70	10,569 41	105 60		105 60				10,675 01							
	163,005 95	3,202 70		3,985 33	64 33		421 00	141 84		164,415 75							
Total amounts paid out, - - - - -			159,303 25			4,049 66			562 84		164,415 75						
Amounts unexpended, remaining to the credit of the State, in the State Bank, on the 1st October, 1844, - - - - -												53,630 21	68,777 20	2,188 41	1,515 84	151 37	126,367 03

*NOTE.—On the 17th April, 1843, John Hutt, as Treasurer of the State, received \$15,43-100ths, on account of Escheats in Pulaski county, which amount he has not yet paid over to his successor.

AUDITOR'S OFFICE,
Little Rock, (Ark's) 1st October, 1844.

ELIAS N. CONWAY, Auditor of
Public Accounts of the State of Arkansas.

[A.]
EXPENDITURES.

A TABULAR STATEMENT, exhibiting the amounts of appropriations made at the session of the General Assembly in November and December, 1842, and January and February, 1843, with the balances of such former appropriations as have not been transferred, under act of 3d February, 1843, to some other appropriation designated herein, reported as unexpended 30th September, 1842; also the amounts of warrants drawn under their appropriate heads from the 1st October, 1842, to the 30th September, 1844, both days inclusive, and the balance of each appropriation unexpended at the expiration of the last mentioned day.

FOR WHAT PURPOSE APPROPRIATED.	AMOUNTS OF APPROPRIATIONS.	AMOUNTS OF WARRANTS DRAWN.	BALANCES UNEXPENDED	
1. To pay members and officers of the General Assembly, by acts of 23th Nov. 1842 and 1st and 3d February, 1843, including balance unexpended 30th Sept. 1842.	\$ 55,000 00	\$ 39,118 40	\$ 15,881 60	1
2. To pay for printing and distributing the Acts and Journals, by acts of 3d February, 1843, including balances of former appropriations unexpended 30th Sept. 1842.	11,600 00	9,106 55	2,493 45	2
3. To pay all contingent expenses of the Senate and House of Representatives, including enrolling bills and printing, by act of 3d Feb. 1843, including balance unexpended 30th Sept. 1842.	5,652 00	4,714 17	937 83	3
4. To purchase fuel and all necessary stationery for the use of the General Assembly, at the approaching session thereof by act of 2d Feb. 1843.	1,000 00	722 50	277 50	4
5. To pay for the completion of the State House in the city of Little Rock, the balance unexpended 30th September, 1842.	3,266 38	1,991 62	1,374 76	5
6. To pay salary of Commissioner of Public Buildings, being the balance unexpended 30th September, 1842.	241 79	241 79		6
7. To pay balances due on account of the Penitentiary, including balance unexpended 30th September, 1842.	5,248 09	5,248 09		7
8. To pay officers and contingent expenses of the Penitentiary, including balance of former appropriation unexpended 30th September, 1842.	7,215 25	7,215 25		8
9. To pay all expenses and costs in the prosecution of persons for making and circulating spurious gold and silver coin and paper, purporting to be of certain banks or corporations.	5,000 00	3,939 15	1,063 85	9
10. To pay officers appointed to wind up the State Bank and Branches.	22,000 00	11,431 07	10,568 93	10
11. To pay Locating Agents for locating a portion of the 500,000 acres of land granted by the United States to the State of Arkansas.	10,000 00	10,000 00		11
12. To pay Commissioners and Surveyors to mark out and define the northern boundary line of this State, by acts of 12th January and 3d February, 1843.	4,000 00	384 00	3,616 00	12
13. To defray the expenses of Assistants, and other incidental expenses in marking out the northern boundary line of this State.	1,000 00	1,000 00		13
14. To pay the salary of the Governor, including balance unexpended 30th September, 1842.	4,500 00	3,000 00	1,600 00	14
15. To pay contingent expenses of the Executive Department and Supreme Court, by acts of 10th Dec. 1842, and 3d Feb. 1843, including balance unexpended 30th Sept. 1842.	9,531 25	9,531 25		15
16. To pay salary of the Governor's private Secretary, and land agent, by act of 31 Jan'y, 1843, being allowed \$600, per annum; amount drawn.	800 00	800 00		16
17. To pay salary of the Adjutant General, including balance unexpended 30th September, 1842.	668 06	591 47	76 59	17
18. To pay salaries of Judges of the Supreme Court, including balance unexpended 30th September, 1842.	11,840 00	6,175 00	5,665 00	18
19. To pay salary of the Reporter of the Supreme Court including balance unexpended, 30th September, 1842.	487 50	370 38	117 12	19
20. To pay for printing, stitching, binding and distributing Reports of the Supreme Court, including balance unexpended, 30th September, 1842.	6,896 60	6,896 60		20
21. To pay special Judges of the Supreme Court, balance unexpended 30th September, 1842.	1,200 00		1,200 00	21
22. To pay Judges of the Circuit Court, including balance of former appropriations unexpended 30th September, 1842.	20,862 11	12,871 04	7,991 07	22
23. To pay special Judges of the Circuit Court, by acts of 10th Dec'r, 1842, and 3d February, 1843.	3,500 00	3,200 00	300 00	23
24. To pay salaries of Prosecuting Attorneys and Prosecuting Attorneys pro tem., by acts of 10th Dec'r, 1842, and 3d Feb'y, 1843.	8,160 00	5,107 01	3,052 99	24
25. To pay salaries of Secretary of State, Auditor and Treasurer, including amounts appropriated by acts of 10th Dec'r 1842 and 2d and 3d Feb'y, 1843.	6,075 88	7,345 62	1,730 26	25
26. To pay Secretary of State for Clerk hire in his office, for copying laws for publication and for having the Acts and Journals distributed when printed, by act of 3d Feb 1843, including } balance unexpended, 30th September, 1842.	551 50	551 50		26
27. To pay for laws of U. S. purchased, and other books which shall be purchased, in compliance with law, for the State Library.	500 00	200 00	300 00	27
28. To pay Clerk hire in the Auditor's office, including balance of former appropriation unexpended 30th Sept. 1842.	2,488 81	1,705 15	783 65	28
29. To pay for advertising lands forfeited for taxes, the balance unexpended 30th Sept. 1842, being	741 50	368 00	373 50	29
30. To pay for recording and arranging in township order, abstracts of taxable lands, balance unexpended 30th Sept., 1842, being	979 29	319 31	659 98	30
31. To pay Registers of Land offices and Auditor for lists of lands, balance unexpended 30th September, 1842.	1,136 97	598 26	538 71	31
32. To pay warrants drawn under act approved 26th Dec'r, 1840, to authorize the State Treasurer to refund money paid into the State Treasury through error, and an act approved 14th } Jan'y, 1843, to authorize the Auditor to draw warrants on the Treasurer in certain cases,	123 85	123 85		32
33. To pay special appropriations, as per acts of 24th Nov'r and 7th 13th, 16th, 21st, 28th and 31st Dec'r, 1842, and 5th and 21st Jan'y and 3d February, 1843.	8,691 92	8,141 92	550 00	33
34. To balance of appropriation by act of 3d Nov'r 1835, to pay executive postage, and to pay for bringing election returns, unexpended 30th Sept. 1842.	440 55		440 55	34
35. To pay Electors of President and Vice President of U. S., balance unexpended 30th Sept. 1842.	16 39		16 39	35
36. To pay Sheriff's fees, and other contingent expences of calling out militia; under act of 3d March, 1838, unexpended 30th Sept. 1842.	2,000 00		2,000 00	36
37. To pay expenses of calling out militia, under act of 3d March, 1838, unexpended 30th Sept. 1842.	12,000 00		12,000 00	37
38. To amount appropriated by act of 3d March, 1838, to carry into effect 11th sec. of said act to sustain the sovereignty of the State, unexpended 30th Sept. 1842.	50,000 00		50,000 00	38
TOTAL,	\$288,415 69	\$ 163,005 95	\$ 125,409 74	

AUDITOR'S OFFICE,
Little Rock, (Ark's) 1st October, 1844, }

ELIAS N. CONWAY, Auditor of
Public Accounts of the State of Arkansas,

[C.]

A STATEMENT exhibiting each species of property taxed in the several counties in this State, for the year 1843, and the separate valuation of each, where practicable to obtain the same from the Tax Books; the aggregate value of taxable property in each county; and the gross amount of taxes (in dollars and cents, rejecting smaller fractions,) charged to Sheriffs upon returns made to this office, by the Clerks of the several counties. Where the amount of taxes in any county exceeds one-eighth of one per cent. on the value of the property, the difference must be attributed to arrearages of taxes for other years; and where taxes do not amount to one-eighth of one per cent., the slight variations must be attributed to the difference between the additions of complicated tax lists, by the Auditor and by Clerks.

NAMES OF COUNTIES.	Persons liable to pay a poll tax.	No. of Acres of land taxed.	Hundredths of acre.	Value of land taxed.	No. of town lots.	Value of town lots and improvements.	No. of slaves over 8 years and under sixty years of age.	Value of slaves taxed.	No. of Saw Mills.	Value of Saw Mills taxed.	No. of Tan Yards.	Value of Tan Yards.	No. of Distilleries.	Value of Distilleries taxed.	Household furniture over \$100 worth taxed.	No. of pleasure carriages.	Value of pleasure carriages taxed.	No. of horses & mares over 3 years old taxed.	Value of horses and mares taxed.	No. of mules over two years old.	Value of mules taxed.	No. of jacks and jennies over 2 years old.	Value of jacks and jennies taxed.	No. of neat cattle over 3 years old.	Value of neat cattle taxed.	Capital employed in merchandizing taxed.	Money loaned at interest taxed.	Capital in steamboats taxed.	Pedlers of merchandise license.	Pedlers of clocks license.	Total value of taxable property.	Total amount of State tax.			
1. Arkansas.	209	97,493.88		529,369	53	\$ 8,333	509	\$193,522	1	\$ 4,000						2	\$ 340	491	\$20,501	137	\$ 5,546	7	\$ 300	2,830	\$ 21,398	\$ 4,934	\$ 500					\$593,748 00	\$ 777.72	1	
2. Benton.	430	30,532		98,992	123	11,639	126	53,625	8	8,850	1	500	4	625		10	865	827	30,578	49	1,943	5	450	1,813	17,991	10,000	4,230					240,293 00	310 61	2	
3. Bradley.	115	62,521.89		187,565	68	913	339	146,605	1	1,000								440	19,120	59	2,020	2	450	1,496	13,166	2,876	1,060					374,805 68	516 41	3	
4. Crawford.	695	105,330.06		374,209	55	166,530	411	156,850	2	2,900					1,000	2	250	1,282	44,216	120	3,547	8	597	3,160	25,144	9,11203					891,446 55	1,122 58	4		
5. Conway.	492	59,318.22		134,905	48	8,900	111	42,300	2	8,000	1	200						904	35,431	25				2,516	19,196	3,271 64	1,060 25					298,339 62	686 66	5	
6. Carroll.	449	7,631		25,466	53	3,820	81	32,650	1	7,50							25	983	34,500					1,160	1,811	16,492	564	2,704				118,506 00	154 73	6	
7. Crittenden.	259	161,597.93		619,851	43	2,065	230	129,705										432	18,051	9				700	1,781	16,346						779,443 43	951 09	7	
8. Clark.	376	169,415.79		575,229	153	4,203	477	203,090	1	500							1	100	732	34,065	162			950	2,212	21,320						852,247 00	1,061 85	8	
9. Clinton.	353	259,636.76	1,211,864	03	109	31,755	2,036	811,750									2	250	885	39,900	433	20,465	11	775	3,964	24,076	8,593	3,300					2,182,643 06	2,788 89	9
10. Dallas.	375	57,663.33		245,813	19	263	379	143,710	2	4,000					100			439	21,145	44				250	2,135	17,235	17,000					499,026 19	656 17	10	
11. Franklin.	376	37,912.69		123,334	82	81	231	78,150	1	2,000	3	950					1	150	780	25,069	53			375	1,760	12,579	8,939 32	650				260,402 14	333 90	11	
12. Fulton.	158	4,449.27		13,266			25	9,950	1	200								356	16,962					100	553	5,803	233					46,564 00	57 56	12	
13. Greene.	357	2,455		7,365	33	662	26	10,000										510	22,071	16				1,070	1,606	16,883	365	1,412				60,695 00	77 42	13	
14. Hempstead.	436	195,523.66		698,531	37	594	1,117	435,190	4	1,700	3	1,000			1,700	15	3,155	1,195	62,525	138	6,415	3	700	3,358	34,493	20,184	1,747					1,882,387 37	1,867 11	14	
15. Hot Spring.	377	34,583.49		114,490	75		169	62,450	3	1,500								755	32,969	32				450	2,367	20,693		555				234,427 75	299 81	15	
16. Independence.	635	84,845.38		291,430	165	43,525	347	137,230	4	2,150	2	900	3	800	400	4	525	1,139	49,163	52				1,075	2,537	25,563	10,400	9,749				575,906 00	735 30	16	
17. Iard.	197	3,709.50		12,412	13	333	82	34,030	3	3,200								432	18,231	14				300	1,006	9,871	2,409	400				82,151 00	106 17	17	
18. Jefferson.	355	114,259.24		455,136	53	653	715	269,275	4	12,000	2	600			800			803	32,064	149	5,520	16	1,550	3,177	24,514	14,390	3,200					846,799 53	1,082 94	18	
19. Jackson.	339	65,955		219,793	21	1,455	182	90,960	1	4,000	1	1,200					8	1,105	599	32,705				1,410	15,594	9,000	225					376,067 00	545 22	19	
20. Johnson.	595	52,706.16		163,959	79	124	419	151,530	4	3,150	4	3,800	1	200	400		1	100	995	46,240	63			2,220	22,136	10,446	2,855					422,663 79	523 43	20	
21. Lafayette.	115	137,912.31		514,365	53	850	1,415	597,650	1	1,000								321	17,615	476				890	1,545	14,238						1,248,918 53	1,621 79	21	
22. Lawrence.	530	41,337.33		113,527	73	4,025	193	73,200	3	1,050	2	200	6	655			5	1,110	52,856	26				620	2,867	24,414	609	12,191				314,113 00	475 95	22	
23. Monroe.	202	103,869.03		361,598	10	33	61	29,350										244	11,298	104					891	8,432	1,000						414,147 10	867 14	23
24. Madison.	544	14,976		50,699	70	4,851	85	32,500	2	1,700	3	200	6	580				979	33,950	23				400	1,679	12,759	792	2,002				141,038 00	176 47	24	
25. Marion.	270	5,066.50		16,910			29	11,300	1	1,000								661	30,705	24					1,217	11,551	35					78,066 00	92 99	25	
26. Mississippi.	237	30,094.12		129,037			347	122,740										301	11,885	76				145	1,693	14,030		1,106				282,773 00	441 49	26	
27. Newton.	195	120		360			23	7,200	1	400								328	10,149	3				200	700	5,281		590				24,360 00	30 64	27	
28. Ouachita.	257	30,853.20		107,845	13		477	174,515										329	16,861	134				125	1,039	11,597	6,799	2,375				327,787 13	463 89	28	
29. Pulaski.	461	210,770		703,825	1,854	577,570	623	215,533	6	8,000					9,100			933	41,712	185	4,530			1,705	3,130	23,092	86,380					1,716,802 00	4,456 85	29	
30. Pope.	444	19,789.62		82,942	26	4,210	153	63,575	5	12,700								747	33,943	33				1,050	2,177	17,454	9,873	2,378				229,706 00	237 13	30	
31. Phillips.	522	254,215.47		956,797	15	795	625	265,675	1	8,000	2	900						746	38,449	23				1,000	2,858	23,557	7,800					1,399,368 43	2,000 40	31	
32. Pike.	140	8,054		29,553	27	855	40	16,400										189	9,540	50				200	672	6,265		50				63,803 50	80 48	32	
33. Perry.	159	10,723		36,790			25	8,850	1	1,000								247	11,140	1					824	7,527	100					65,457 00	83 70	33	
34. Poinsett.	292	30,574		100,472	17	660	71	25,740										397	19,288	21				730	1,445	12,752	250	352				161,244 00	312 90	34	
35. Randolph.	413	41,640		130,842	170	13,489	160	59,289			1	1,000	7	487				868	34,205	18				550	1,801	14,226	1,927	6,397				263,319 00	370 36	35	
36. Sevier.	498	56,251		189,977	47	2,631	596	227,900										997	45,835	107				1,200	3,007	25,993	3,450	3,490				595,671 00	641 56	36	
37. Saline.	352	82,277.17		273,539	275	13,398	326	120,830	2	600	1	500						582	26,790	68				415	1,717	14,971	722	2,185				457,127 00	577 92	37	
38. Scott.	278	322		1,670			79	28,950	3	4,600								540	23,183	25				150	1,334	9,974	2,500	1,700				73,832 00	94 22	38	
39. Searcy.	217	227		673			9	2,750										402	14,757	9					774	5,414	100	440				24,499 00	37 39	39	
40. St. Francis.	426	103,603.03		334,618	16	623	223	99,000			3	700			600			589	29,367	4					1,900	19,473		300				485,211 00	695 71	40	
41. Union.	435	43,180.62		148,085	91		654	262,900		900								577	30,153	149				1,000	1,458	16,833	8,700	210				476,891 91	707 00	41	
42. Van Buren.	240	7,831.90		36,633			53	21,750										448	18,751	25					300	1,131	10,052	10	924				89,890 00	187 20	42
43. Washington.	1,068	132,302.25		399,689	65	117	461	164,030	4	640	8	2,585	9	1,885				2,435	73,944	51				1,200	4,416	33,258	50,806	6,177				766,393 16	970 56	43	
44. White.	237	41,440		124,320	173	7,660	71	26,750	2	800	1	1,000						306	14,880	9				130	1,108	11,273		800				188,043 00	695 19	44	
45. Yell.	355	24,928		95,863	55	1,413	82	29,550	2	2,433	2	250	2	100				727	29,081	21				875	1,749	12,559		2,205							

[D.]

A STATEMENT exhibiting each species of property taxed in the several counties in this State, for the year 1844, and the separate valuation of each, where practicable to obtain the same from the Tax Books; the aggregate value of taxable property in each county; and the gross amount of taxes (in dollars and cents, rejecting smaller fractions,) charged to Sheriffs upon returns made to this office, by the Clerks of the several counties. Where the amount of taxes in any county exceeds one-eighth of one per cent. on the value of the property, the difference must be attributed to arrearages of taxes for other years; and where the taxes do not amount to one-eighth of one per cent., the slight variations must be attributed to the difference between the additions of complicated tax lists, by the Auditor and by the Clerks.

NAMES OF COUNTIES.		Persons liable to pay a poll tax.	No. of Acres of land taxed.	Hundredths of acre.	Value of land taxed.	No. of town lots.	Value of town lots and improvements taxed.	No. of slaves over 8 years and under sixty years of age.	Value of slaves taxed.	No. of Saw Mills.	Value of Saw Mills taxed.	No. of Tan Yards.	Value of Tan Yards taxed.	No. of Distilleries.	Value of Distilleries taxed.	Household furniture over \$400's worth taxed.	No. of pleasure carriages.	Value of pleasure carriages taxed.	No. of horses & mares over 3 years old taxed.	Value of horses and mares taxed.	No. of mules over two years old.	Value of mules taxed.	No. of jacks and jennies over 2 years old.	Value of jacks and jennies taxed.	No. of neat cattle over 3 years old.	Value of neat cattle taxed.	Capital employed in merchandizing taxed.	Money loaned at interest taxed.	Capital in steamboats taxed.	Pedlers of merchandise license.	Pedlers of clocks license.	Total value of taxable property.	Total amount of State tax.				
1.	Arkansas,	169	90,499		\$ 292,927	22	\$ 2,030	519	\$189,235	2	7,000		\$			\$ 300	4	\$ 435	441	\$17,895	143	\$ 4,450	6	\$ 120	2,275	\$ 17,247	\$ 700	\$ 2,707					\$ 535,046	\$ 686 01			
2.	Benton,	502	33,064.50		109,238	155	10,601	133	48,890	5	4,200	1	500	4	625		9	605	833	28,918	51	1,575	9	580	2,086	16,750	10,050	\$ 3,075					235,597	\$ 300 42			
3.	Bradley,	271	71,986.29		236,612	14	1,156	461	172,545	1	1,000						1	55	457	18,520	63	2,435	1	100	1,633	13,552	2,680					449,445	624 51				
4.	Crawford,	779	106,858.40		356,589	18	105,928	455	154,450	2	800	1	200	1	150	600	6	1,000	1,319	40,262	125	3,543	11	510	3,343	21,689	150,972	1,500					838,193	1,047 74			
5.	Conway,	501	56,410.77		171,445	61	4,695	117	45,550	2	3,000	4	780				1	50	913	31,255	21	730	6	385	2,627	18,037	6,983	555					283,765	454 62			
6.	Carroll,	505	8,966		25,660		1,700	98	35,160	2	1,100	4	185	2	100			1,056	31,044	3	90	9	545	1,943	13,725	4,500	2,200					119,009	148 76				
7.	Crittenden,	301	157,151.89		753,193	96	2,195	351	145,879									415	16,187	42	1,735	5	560	2,082	16,315								936,064	1,176 74			
8.	Clark,	398	167,078.08		528,713	68	4,615	518	206,445	1	300							776	30,167	178	6,038	10	750	2,262	18,796	5,615							801,439	1,040 50			
9.	Chicot,	359	264,925.65		1,290,344	20	8,470	2,212	886,000			1	500					893	38,998	523	22,105	9	550	4,120	24,782	10,000							2,281,899	2,851 21			
10.	Desha,	387	55,488.11		192,591	205	27,714	418	155,570	2	2,100					150		525	20,393	60	2,245			2,333	16,244	21,440							438,647	554 86			
11.	Franklin,	396	37,760		121,973	71	4,560	210	68,510	2	1,100	2	1,100					796	20,783	59	1,500	4	175	1,844	12,280	3,600			200				236,323	298 31			
12.	Fulton,	200	7,919		23,238	41		28	9,605	1	400							466	19,285	6	180	1	100	752	7,421	375							63,358	116 42			
13.	Greene,	382	2,436		7,565	26	569	25	9,050									544	21,082	10	435	6	850	1,630	15,322								55,623	67 34			
14.	Hempstead,	455	193,331		687,799	434	8,825	1,241	542,750	8	8,000	2	800			1,100	17	3,195	1,405	60,500	48	1,920	4	800	3,683	32,088	38,732	1,582						1,388,491	1,797 53		
15.	Hot Spring,	346	24,688.62		75,223	81		130	47,600	6	3,550	1	500					674	24,244	48	1,735	1	40	1,978	14,583	425								168,305	243 33		
16.	Independence,	658	76,248		281,957		15,750	342	111,265	3	1,050	2	900		125			1,204	37,252	55	1,430	12	480	2,723	17,480	20,127								488,296	828 03		
17.	Izard,	223	4,840.71		18,008	33	570	63	26,900	4	3,000	1	260					537	13,787	17	450	1	150	1,286	9,118									72,770	98 23		
18.	Jefferson,	349	115,964.43		406,425	96	7,350	867	313,250	5	4,650	1	250			400		811	28,533	234	7,960	20	1,200	2,834	17,335	50	13,246	3,350						803,950	1,011 70		
19.	Jackson,																																				
20.	Johnson,	737	56,379.60		190,545	74	12,462	422	153,600	4	2,700	5	4,050	1	150	400	4	300	1,182	45,792	82	2,775	5	490	2,731	21,096	6,268	46	3,945	41					444,574	582 53	
21.	Lafayette,	97	145,931.03		572,295	73	150	1,473	593,080	1	1,000					100	6	1,600	331	15,356	508	22,230	4	1,090	1,458	12,802									1,222,968	1,634 29	
22.	Lawrence,	507	42,316.99		123,749	60	3,345	198	70,070	3	1,300	2	250	3	180			1,410	40,256	24	560	10	425	2,915	18,657	3,010	50	8,282						275,384	373 08		
23.	Monroe,	203	109,981.21		447,818	41	1,220	61	24,400	1	2,400							226	9,363	11	428			916	7,057	1,900								494,556	769 65		
24.	Madison,	551	15,202.25		49,701	68	5,861	91	28,975	2	900	3	350	5	435			994	25,094	30	718	6	285	1,891	12,190	142	1,521							126,167	159 68		
25.	Marion,	284	4,919.50		15,100			30	11,500	2	1,500							609	24,859	15	570	8	670	1,305	11,803	1,060								67,212	86 91		
26.	Mississippi,	212	30,843.60		139,587			381	133,273									293	11,759	100	4,430			115	1,750	13,728									308,144	385 16	
27.	Newton,	209	200		600			28	8,325	1	400							374	10,423	4	115	2	200	827	5,162		114	582							26,031	31 93	
28.	Ouachita,	317	27,800.83		118,342	92	1,825	506	194,950			1	200					387	17,488	169	7,433	2	200	1,109	11,503	12,954									365,995	457 23	
29.	Pulaski,	666	199,211.51		633,605	1,858	262,423	601	209,880	7	10,200	1	200			9,600	29	4,580	936	32,545	95	3,350	12	435	2,866	19,325	110,752	1,000							1,297,595	1,882 49	
30.	Pope,	518	24,216.58		87,256	33	4,847	123	75,925	4	8,000	3	300					385	869	32,932	30	1,390	18	1,070	2,440	17,693	9,374	1976							241,148	301 43	
31.	Phillips,	618	259,065.38		973,274	01	821	719	287,525	4	12,600	2	900					782	34,272	113	4,355	6	925	3,641	32,763	25,550									1,413,882	2,110 87	
32.	Pike,	143	10,101		34,372	22	1,170	49	27,100	1	500	1	100					278	11,511	16	895	1	60	882	8,445										84,303	106 77	
33.	Perry,	156	10,657		42,441			30	10,300	1	1,000							245	8,257	4	140			790	5,140	800								68,078	86 45		
34.	Poinsett,	296	55,731		103,290	24	1,090	63	25,300			1	200	1	40			399	17,018	29	1,003	7	685	1,495	11,324	175									165,125	324 59	
35.	Randolph,	421	39,413.57		119,774	94	12,735	161	57,820	1	200	4	1,180	3	160			928	31,055	16	460			120	2,011	13,800	6,565	4,682							248,751	334 24	
36.	Sevier,																																				
37.	Saline,	348	67,655.42		239,907	239	10,255	284	117,050	1	800	2	125					567	21,474	71	2,510	1	100	1,619	11,906	500	1,091								405,718	514 17	
38.	Scott,	231	885.50		2,696	50		62	20,690	3	2,700							485	18,115	21	865	9	395	1,258	9,145	45,340	455								100,551	132 97	
39.	Searcy,	240	225		676	50		9	4,150									443	17,516	8	200			843	7,071	100	210								30,048	33 55	
40.	St. Francis,	472	108,842.93		407,447	92	1,170	247	90,200			2	1,200			100		615	29,860			1	200	1,939	18,904	5,150									554,231	761 89	
41.	Union,	575	47,259.69		169,905	20		929	375,966	2	800							706	32,109	224	9,302	3	405	1,888	19,406	2,836	48	110							611,976	792 53	
42.	Van Buren,	239	7,112.50		22,219			42	14,750			4	500					459	15,430	22	755	1	150	1,197	7,355	500									62,070	77 61	
43.	Washington,	1,106	143,978.56		439,150	163	25,980	667	196,973	2	650	12	3,330	11	1,390			2,491	64,878	166	4,401	19	995	4,679	31,864	32,213									147,528	222 94	
44.	White,	215	30,067		90,371	164	2,355	81	30,000	3	1,100	1	500					348	13,270	5	225	1	30	1,133	9,177										811,732	1,030 04	
45.	Yell,	426	25,310		87,665	54	1,580	88	32,600	3	2,700	2	200					886	28,362			20															

[E.]

A STATISTICAL TABLE, showing each species of property taxed in the State, and the separate value of each; the total value of property taxed in the State annually for seven years, commencing with the year 1838 and ending with the year 1844, and the amount of taxes charged thereon for each year, as shown in this and former reports. During this whole period the rate of the State tax has been one eighth of one per cent. on the assessed value of taxable property; and no change of any importance has been made in the revenue law. Where the taxes amount to more than one eighth of one per cent., it must be attributed to arrearages of taxes for other years.

Year.	White Population.	Slave Population	Number of acres of Land taxed.	100ths of acre.	Value of Land taxed.	Number of Town Lots.	Value of Town Lots and Improvements taxed.	Number of Slaves over 8 years and under 60 years of age.	Value of Slaves taxed.	Number of Saw Mills.	Value of Saw Mills taxed.	Number of Tan Yards.	Value of Tan Yards taxed.	Number of Distilleries.	Value of Distilleries taxed.	Household Furniture over \$400 worth, taxed.	Number of pleasure carriages.	Value of pleasure carriages taxed.	Number of horses and mares over 3 years old taxed.	Value of horses and mares taxed.	Number of mules over 2 years old.	Value of mules taxed.	Number of jacks and jennies over 2 years old.	Value of jacks and jennies taxed.	Number of neat cattle over 3 years old.	Value of neat cattle taxed.	Capital employed in merchandizing taxed.	Money loaned at interest taxed.	Capital in steamboats taxed.	Pedlers of merchandize license.	Pedlers of clocks license.	Total value of taxable property.	Total amount of State tax.
1838	52,905	15,111	2,233,981	00	\$7,274,625 00	1,370	\$601,903 00	5,717	\$2,831,150 49	\$87,860 19	\$10,250 23	\$2,575	26	\$5,415	13,779	\$768,112 00	included in column of horses & mares.	35,781	\$399,032 00	\$401,932 *				\$399,032 00	\$401,932 *			\$92,358 75	\$16,500	\$700	\$250	\$15,564,284 00	\$ 21,159 74
1839			2,656,856	07	12,511,651 16	4,416	1,150,401 50	10,629	5,937,933 76	138,107 42	21,747 36	6,951	68	\$9,746	22,753	1,424,825 00	1,064	\$73,542	107	\$30,886	58,187	761,068 00	1,064,314 61	\$92,358 75	\$16,500	\$700	\$250	23,283,691 02	30,446 12				
1840	57,171	19,935	2,535,805	36	11,325,424 70	5,226	1,410,506 25	10,148	5,645,345 84	162,251 34	15,088 55	8,145	75	27,750	23,831	1,397,668 50	1,124	69,756	140	32,790	59,070	755,171 50	1,011,017 44	102,435 00	31,200	25	300	22,011,433 35	31,095 03				
1841			2,989,583	75	12,476,411 25	6,193	1,703,624 00	13,072	6,432,024 88	161,556 33	16,195 58	9,780	109	19,060	27,902	1,526,971 00	2,363	128,073	209	38,595	71,121	833,635 00	620,326 42	117,819 00	11,700	575			24,119,122 67	31,956 67			
1842	83,193	21,951	2,872,275	70	11,156,736 21	6,182	1,488,472 83	13,345	6,434,307 100	143,810 36	12,370 41	5,634	80	15,613	28,918	1,451,995 00	2,515	129,897	224	35,102	77,240	870,035 50	447,245 56	92,522 00	6,800				22,302,990 10	30,402 59			
1843			3,018,168	93	11,038,916 17	7,260	1,196,472 33	15,052	5,964,880 83	99,753 41	16,685 48	6,617	111	15,780	31,418	1,316,544 26	3,260	133,795	238	24,792	86,894	757,558 00	424,571 96	79,003 25	800	275				21,090,267 97	31,140 05		
1844			2,909,121	10	10,706,350 82	7,056	596,539 33	15,544	5,968,348 92	92,700 62	19,060 48	4,665	112	15,767	31,288	1,108,099 00	3,469	130,391	246	17,865	86,910	653,818 50	554,749 44	59,145 41	600	25				19,940,848 50	26,752 52		

To ascertain, in detail, the state of the returns from the respective counties for each year, reference should be made to the several tabular statements from which this has been formed. After estimating the number of acres of taxable land in counties from which no returns had been received, the decrease in the number of acres of land taxed in the State, for any year compared with the preceding years, must be attributed to the great number of lands forfeited to the State for taxes. When lands are forfeited to the State they remain registered in this office until redeemed, sold or donated, after which they are again listed with the Sheriffs for taxation.

*This amount includes money at interest.

AUDITOR'S OFFICE,
Little Rock, (Arks') 1st October, 1844.

ELIAS N. CONWAY, Auditor of
Public Accounts of the State of Arkansas.

[F.]
ESTIMATES.

Estimated receipts and expenditures, under existing laws, for two years ending with the 30th day of September, 1846.

RECEIPTS.

To be paid into the Treasury first year.	\$ 27,000	
To be paid into the Treasury second year,	33,000	60,000 00
Add balance of surplus revenue fund now in Bank.		53,630 21
Total amount of available means for two years,		\$ 113,630 21

EXPENDITURES.

Estimated pay of members and officers and contingent expenses of the General Assembly at the approaching session for fifty days,	\$ 22,000 00	
Printing and distributing Acts and Journals, will require <i>in par funds</i> , probably,	5,000 00	
Printing, binding and distributing Reports of the Supreme Court will require <i>in par funds</i> , probably,	3,000 00	
To pay the salaries of the Governor, three Supreme, and seven Circuit Judges, seven Prosecuting Attorneys, Secretary of State, Auditor, Treasurer, Adjutant General, Reporter of the Supreme Court and Commissioner of public buildings, all for two years,	39,710	
For Stationary, printing and postage, of State officers; and for stationery and fuel for the use of the Legislature, <i>in par funds</i> ,	2,000	
All other contingent expenses of the State and State officers,	5,000	
Estimated arrearages due from the State Treasury, for amount of Auditor's warrants outstanding, \$3,202 70; for \$198 89 scrip in circulation, exclusive of interest thereon; for balances due to officers, to counties, and on all other accounts,	21,500	
These sums amount in the aggregate to	\$ 98,210 00	
To which under our present laws have to be added for salaries of Agent of the Penitentiary, who should be paid out of the profits of the Penitentiary,	2,000	
Land Agent, who should be paid out of the Internal improvement fund,	1,200	
State Bank officers who should be paid out of the funds of the Bank,	22,600	25,800 00
		\$ 124,010 00
Including all these amounts the expenditures will exceed the receipts and the available means, about		\$ 10,379 79
But this amount could be met and discharged and a balance of about \$2,600, would remain in the State Treasury on the 1st day of October, 1846, if the amounts which have been paid out of the State Treasury for all matters incident to the selection and sale of lands of the grant of 500,000 acres should be by law repaid into the State Treasury out of the Internal improvement funds.		

AUDITOR'S OFFICE,
Little Rock, (Ark's) 1st October, 1844.

[G.]

A STATEMENT formed from information furnished at the request of the Auditor, by the Financial Receiver of the Bank of the State of Arkansas, at Little Rock, showing the number of State Bonds sold by the Bank; when the bonds sold will be due; where payable; the amount of interest unpaid on bonds sold up to 1st October, 1844, and where the interest is payable; and also the amount of bonds issued to said Bank remaining unsold.

Under what acts issued.	No. of Bonds sold.	Rate of interest which they bear	Amount of bonds sold.	When the bonds sold will be due and payable.	Where the bonds sold will be payable.	Amount of interest on bonds sold remaining unpaid. 1st Oct. 1844.	Where the interest is payable
Act approved 2nd Nov. 1836.	169	5 per cent.	\$ 169,000	1 January, 1887.	New York.	\$ 24,387 50	New York.
Act approved 18th Dec. 1837.	500	6 per cent.	500,000	1 January, 1868.	New York.	92,520 00	New York.
Act approved 18th Dec. 1837.	500	6 per cent.	500,000	1 January, 1868.	London.	97,500 00	London.
Total,	1,169		\$ 1,169,000			\$ 214,407 50	

UNSOLD STATE BONDS.

Act approved 2nd Nov. 1836.	154	5 per cent.	On hand to-wit: on deposit in Bank at Washington City.
Act approved 2nd Nov. 1836.	7	5 per cent.	On hand in the State Bank at Little Rock.
Act approved 13th Dec. 1838.	300	6 per cent.	Cancelled and filed with the State Treasurer.

Would it not be well to provide by law that all of the unsold State bonds should be registered and burnt by the Receivers of the State Bank at Little Rock.

[H.]

A STATEMENT, formed from information furnished at the request of the Auditor, by the Cashier and Secretary of the Real Estate Bank, showing the number of State Bonds sold by the Bank; where the bonds sold will be due; where payable; the amount of interest unpaid on bonds sold up to the 1st Oct. 1844; and where the interest is payable. The five hundred Bonds issued under act approved, 24th February, 1838, and hypothecated by the Real Estate Bank are not included in the table below.

Under what acts issued.	No. of 6 per cent. bonds sold.	Amount of bonds sold	When the bonds sold will be due, and payable.	Where the bonds sold will be payable.	Amount of interest on bonds sold remaining unpaid 1st Oct. 1844.	Where the interest is payable.
Acts approved 26th Dec. 1836, and 19th December, 1837.	500	\$ 500,000	26th Oct. 1861,	New York,	\$ 91,250	New York.
"	840	840,000	26th Oct. 1861.	London,	163,800	New York.
"	160	160,000	26th Oct. 1861.	London,	29,200	London.
"	30	30,000	26th Oct. 1861.	New Orleans.	5,850	New York.
	1,530	\$ 1,530,000			\$ 290,100	

From the above tabular statements, it appears that the regular and undisputed interest due up to the 1st October, 1844, on State Bonds sold by the two Banks, amounts to \$504,507 50, of which the sum of \$377,807 50, is payable in New York, and \$126,700, in London.

The Cashier and Secretary of the Real Estate Bank, in answer to a communication, from the Auditor, states that the following described State Bonds have been received by that Bank in payment of debts, to-wit:

Sixteen 5 per cent. bonds, issued to the State Bank, under the Act of 2nd Nov. 1836, and dated 1st January, 1837,	\$16,000
Three six per cent bonds issued to the State Bank, under Act of 18th Dec. 1837, and dated 1st January, 1838,	3,000

And thirteen six per cent bonds issued to the Real Estate Bank under Acts of 26th Oct. 1836, and 19th Dec. 1837, and dated 1st January, 1838.	\$19,000
	13,000
	\$32,000

ELIAS N. CONWAY, Auditor of
Public Accounts of the State of Arkansas.

[I.]

A STATEMENT showing the balances due from the State Treasury, to the following named counties on account of forfeited lands disposed of by the Auditor. The amount due counties on the 1st October, 1842, was \$2,794 69, which added to \$2,575 60, the amount paid into the State Treasury during the last two years, makes \$5,370 29, from which deduct \$4,049 66, the amount paid to counties as shown in statement B. and the balance here stated will remain.

NAMES OF COUNTIES.										Amount due each county.	
										Dollars.	Cts.
1	Arkansas,	-	-	-	-	-	-	-	-	132	23
2	Benton,	-	-	-	-	-	-	-	-	33	16
3	Conway,	-	-	-	-	-	-	-	-	34	21
4	Chicot,	-	-	-	-	-	-	-	-	328	23
5	Crittenden,	-	-	-	-	-	-	-	-	31	59
6	Clark,	-	-	-	-	-	-	-	-	5	04
7	Desha,	-	-	-	-	-	-	-	-	9	64
8	Hot Spring,	-	-	-	-	-	-	-	-	9	45
9	Izard,	-	-	-	-	-	-	-	-	10	58
10	Independence,	-	-	-	-	-	-	-	-	68	46
11	Jackson,	-	-	-	-	-	-	-	-	24	97
12	Lawrence,	-	-	-	-	-	-	-	-	2	31
13	Monroe,	-	-	-	-	-	-	-	-	43	36
14	Phillips,	-	-	-	-	-	-	-	-	36	86
15	Poinsett,	-	-	-	-	-	-	-	-	5	40
16	Pulaski,	-	-	-	-	-	-	-	-	123	87
17	Randolph,	-	-	-	-	-	-	-	-	15	23
18	St. Francis,	-	-	-	-	-	-	-	-	52	93
19	Saline,	-	-	-	-	-	-	-	-	342	01
20	White,	-	-	-	-	-	-	-	-	11	10
Total.										1,320	63

AUDITOR'S OFFICE,
Little Rock, Ark's, 1st Oct., 1844. }

ELIAS. N. CONWAY, Auditor of
Public Accounts of the State of Arkansas.

TREASURER'S REPORT.

TREASURER'S OFFICE,
Little Rock, Arkansas, 1st October, 1844. }

To his Excellency SAMUEL ADAMS,
Governor of the State of Arkansas:

SIR—In compliance with law, I have the honor herewith to submit my report—Statement marked A. shows the amount of the different appropriations: the amount paid from each; and the balances of appropriations unexpended on the 1st October, 1844, as far as payments have been made at the Treasury. And statement marked B. shows the amounts received into the Treasury from all sources, from the 1st day of October, 1842, to the 30th day of September, 1844, both days inclusive; and the expenditures of the Treasury during the same period—with the amount of funds unexpended, remaining to the credit of the State in the bank of the State of Arkansas at Little Rock, on the 1st day of October, 1844.

I am, respectfully,

Your obedient servant,

JARED C. MARTIN, *Treasurer*
of the State of Arkansas.

[A.]
EXPENDITURES.

A TABULAR STATEMENT, exhibiting the amounts of appropriations made at the session of the General Assembly in November and December, 1842, and January and February, 1843, with the balances of such former appropriations as have not been transferred, under act of 3d February, 1843, to some other appropriation designated herein, reported as unexpended 30th September, 1842; also the amounts of warrants redeemed under their appropriate heads from the 1st October, 1842, to the 30th September, 1844, both days inclusive, and the balances of appropriations unexpended on the 1st Oct. 1844, as far as payments have been made at the Treasury.

FOR WHAT PURPOSE APPROPRIATED.	AMOUNTS OF APPROPRIATIONS.	AMOUNTS OF WARRANTS REDEEMED.	BALANCES	
1. To pay members and officers of the General Assembly, by acts of 28th Nov. 1842 and 1st and 3d February, 1843, including balance unexpended 30th Sept. 1842.	\$ 55,000 00	\$ 39,118 40	\$ 15,881 60	1
2. To pay for printing and distributing the Acts and Journals, by acts of 3d February, 1843, including balances of former appropriations unexpended 30th Sept. 1842.	11,600 00	9,106 55	2,493 45	2
3. To pay all contingent expenses of the Senate and House of Representatives, including enrolling bills and printing; by act of 3d Feb. 1843, including balance unexpended 30th Sept. 1842.	5,652 00	4,714 17	937 83	3
4. To purchase fuel and all necessary stationery for the use of the General Assembly, at the approaching session thereof by act of 2d Feb. 1843.	1,000 00	722 50	277 50	4
5. To pay for the completion of the State House in the city of Little Rock, the balance unexpended 30th September, 1842.	3,266 38	1,991 62	1,274 76	5
6. To pay salary of Commissioner of Public Buildings, being the balance unexpended 30th September, 1842.	241 79	241 79		6
7. To pay balances due on account of the Penitentiary, including balance unexpended 30th September, 1842.	5,248 09	5,248 09		7
8. To pay officers and contingent expenses of the Penitentiary, including balance of former appropriation unexpended 30th September, 1842.	7,215 25	7,215 25		8
9. To pay all expenses and costs in the prosecution of persons for making and circulating spurious gold and silver coin and paper, purporting to be of certain banks or corporations.	5,000 00	3,936 15	1,063 85	9
10. To pay officers appointed to wind up the State Bank and Branches.	22,000 00	9,181 07	12,818 93	10
11. To pay Locating Agents for locating a portion of the 500,000 acres of land granted by the United States to the State of Arkansas.	10,000 00	10,000 00		11
12. To pay Commissioners and Surveyors to mark out and define the northern boundary line of this State, by acts of 12th January and 3d February, 1843.	4,000 00	384 00	3,616 00	12
13. To defray the expenses of Assistants, and other incidental expenses in marking out the northern boundary line of this State.	1,000 00	1,000 00		13
14. To pay the salary of the Governor, including balance unexpended 30th September, 1842.	4,500 00	3,000 00	1,500 00	14
15. To pay contingent expenses of the Executive Department and Supreme Court, by acts of 10th Dec. 1842, and 3d Feb. 1843, including balance unexpended 30th Sept. 1842.	9,531 25	9,531 25		15
16. To pay salary of the Governor's private Secretary, and land agent, by act of 31 Jan'y, 1843, being allowed \$600, per annum; amount drawn.	800 00	600 00	200 00	16
17. To pay salary of the Adjutant General, including balance unexpended 30th September, 1842.	668 06	591 47	76 59	17
18. To pay salaries of Judges of the Supreme Court, including balance unexpended 30th September, 1842.	11,840 00	6,175 00	5,665 00	18
19. To pay salary of the Reporter of the Supreme Court including balance unexpended, 30th September, 1842.	487 50	370 38	117 12	19
20. To pay for printing, stitching, binding and distributing Reports of the Supreme Court, including balance unexpended, 30th September, 1842.	6,896 60	6,896 60		20
21. To pay special Judges of the Supreme Court, balance unexpended 30th September, 1842.	1,200 00		1,200 00	21
22. To pay Judges of the Circuit Court, including balance of former appropriations unexpended 30th September, 1842.	20,862 11	12,371 04	8,491 07	22
23. To pay special Judges of the Circuit Court, by acts of 10th Dec'r, 1842, and 3d February, 1843.	3,500 00	3,200 00	300 00	23
24. To pay salaries of Prosecuting Attorneys and Prosecuting Attorneys pro tem., by acts of 10th Dec'r, 1842, and 3d Feb'y, 1843.	8,160 00	5,107 01	3,052 99	24
25. To pay salaries of Secretary of State, Auditor and Treasurer, including amounts appropriated by acts of 10th Dec'r 1842 and 2d and 3d Feb'y, 1843.	9,075 88	7,095 62	1,980 26	25
26. To pay Secretary of State for Clerk hire in his office, for copying laws for publication and for having the Acts and Journals distributed when printed, by act of 3d Feb 1843, including balance unexpended, 30th September, 1842.	551 50	551 50		26
27. To pay for laws of U. S. purchased, and other books which shall be purchased, in compliance with law, for the State Library.	500 00	200 00	300 00	27
28. To pay Clerk hire in the Auditor's office, including balance of former appropriation unexpended 30th Sept. 1842.	2,488 81	1,705 15	783 66	28
29. To pay for advertising lands forfeited for taxes, the balance unexpended 30th Sept. 1842, being	741 50	368 00	373 50	29
30. To pay for recording and arranging in township order, abstracts of taxable lands, balance unexpended 30th Sept., 1842, being	979 29	319 31	659 98	30
31. To pay Registers of Land offices and Auditor for lists of lands, balance unexpended 30th September, 1842.	1,136 97	598 26	538 71	31
32. To pay warrants drawn under act approved 26th Dec'r, 1840, to authorize the State Treasurer to refund money paid into the State Treasury through error, and an act approved 14th Jan'y, 1843, to authorize the Auditor to draw warrants on the Treasurer in certain cases,	123 85	121 15	2 70	32
33. To pay special appropriations, as per acts of 24th Nov'r and 7th 13th, 16th, 21st, 28th and 31st Dec'r, 1842, and 5th and 21st Jan'y and 3d February, 1843.	8,691 92	8,141 92	550 00	33
34. To balance of appropriation by act of 3d Nov'r 1835, to pay executive postage, and to pay for bringing election returns, unexpended 30th Sept. 1842.	440 55		440 55	34
35. To pay Electors of President and Vice President of U. S., balance unexpended 30th Sept. 1842.	16 39		16 39	35
36. To pay Sheriff's fees, and other contingent expences of calling out militia; under act of 3d March, 1838, unexpended 30th Sept. 1842.	2,000 00		2,000 00	36
37. To pay expenses of calling out militia, under act of 3d March, 1838, unexpended 30th Sept. 1842.	12,000 00		12,000 00	37
38. To amount appropriated by act of 3d March, 1838, to carry into effect 11th sec. of said act to sustain the sovereignty of the State, unexpended 30th Sept. 1842.	50,000 00		50,000 00	38
TOTAL,	\$288,415 69	\$ 159,803 25	\$ 128,612 44	

TREASURER'S OFFICE,
Little Rock, (Ark's) 1st October, 1844, }

JARED C. MARTIN, *Treasurer of*
the State of Arkansas.

[B.]
RECEIPTS, &c.

A TABULAR STATEMENT, showing the receipts into the State Treasury, from all sources, from the 1st day of October, 1842, to the 30th day of September, 1844, both days inclusive, the expenditures of the State during the same period, and the amounts of funds unexpended, remaining to the credit of the State, in the Bank of the State of Arkansas, at Little Rock, on the 1st day of October, 1844.

TIME PAID IN.											Cash paid by Collectors.	Surplus revenue withdrawn from the State Bank under Sec. 2 of appropriation act, approved 3d February, 1843.	State Tax paid for Lands.	Paid by the Secretary of State for Revised Statutes sold by him.	Escheats to the State.	Paid by six of the securities of John Hutt, late Treasurer.	Total amount paid into the State Treasury for State Revenue.	County tax paid for Lands.	Escheat in Pulaski county under Sec. 35 of School Law.	Common School Fund under Sec. 135 of Revenue Law.	Total amount paid into the State Treasury.	Surplus Revenue Fund subject to be used for expenses of the State under Sec. 2, of Act of 3d February, 1843.	Five per cent. Fund for Internal Improvements.	Seminary Fund.	Common School Fund.	Saline Fund for Internal Improvements.	Total amount to the credit of the State in Bank.			
											D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	
4th Quarter of 1842,											21,777 81		314 85	48 00	577 67		22,718 33	395 70				123,114 03								
1st Quarter of 1843,											65 61	62,386 44	1,440 78			63,892 83	773 84				64,666 67									
2d Quarter of 1843,											1,071 17		76 95			11,817 12	55 05				11,890 28									
3d Quarter of 1843,											889 87	13,833 50	41 38			14,764 75	57 06				14,821 81									
4th Quarter of 1843,											23,766 54	6,000 00	137 24		197 40	30,101 18	194 74				30,295 92									
1st Quarter of 1844,											49 75		780 73			830 48	322 24			124 00	1,276 72									
2d Quarter of 1844,											96 44	9,000 00	451 53			9,547 97	745 32				10,293 29									
3d Quarter of 1844,											1,923 03	3,350 00	24 15			5,297 18	31 65				5,328 83									
											49,640 22	105,288 94	3,267 61	43 00	577 67	197 40	158,969 84	2,575 60	18 11	124 00	161,687 55									
Balance of State Funds reported to be in the State Treasury on the 1st October, 1842,																				\$3,946 45										
Balance of County Funds reported to be in the State Treasury on the 1st October, 1842,																				2,794 69										
																				\$6,741 14										
Deduct amount of deficit in the accounts of John Hutt, late Treasurer, in his transactions with the Bank of the State of Arkansas, at Little Rock, as discovered by the Auditor in carrying into effect Sec. 2, of Act approved 3d February, 1843, to wit: under his first bond, from the 21st December, 1838, to the 22d December, 1840, \$3,823 42, for which suit is pending; and under his second bond, from the 22d December, 1840, to the 1st October, 1842, \$189 52, which \$189 52 has been paid by his securities, as shown above, including interest.																				4,012 94										
Balance of each fund on the 1st October, 1842,																				2,728 20	339,724 98	68,777 20	2,188 41	1,394 12	151 37					
																				164,415 75										
Of the Surplus Revenue Fund, there has been used, under act of 3d February, 1843, as shown above, the sum of																				\$105,238 94										
And under act of 31st January, 1843, to pay bonds given by the Governor for money borrowed of the Bank of the State of Arkansas, at Little Rock, \$135,000, and for interest thereon to the 9th June, 1843, \$34,484 17,																				\$169,484 17	236,094 77									
And also to pay a bond given for money borrowed of the Branch of said Bank, at Fayetteville, \$10,000, and interest thereon to the 9th June, 1843. \$1,371 66,																				11,371 66										
EXPENDITURES.																														
WHEN EXPENDED.											Amount of Warrants issued.	Drafts of County Treasurers paid.	County Tax refunded without Warrants.	Total amount of County Tax paid out.	Amount of Scrip redeemed.	Interest paid on Scrip redeemed.	Total amount of Scrip and Interest	Total amount paid out.												
											D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.												
4th Quarter of 1842,											30,452 84	1,060 13	10 80	1,070 93	414 00	135 00	549 00	32,072 77												
1st Quarter of 1843,											58,089 45	326 25		326 25				58,415 70												
2d Quarter of 1843,											10,225 95	1,313 35		1,313 35				11,539 30												
3d Quarter of 1843,											14,482 78							14,482 78												
4th Quarter of 1843,											13,469 11	309 56	40 92	350 48	1 00	60	1 60	13,821 19												
1st Quarter of 1844,											13,215 52	278 79	12 61	291 40	6 00	6 24	12 24	13,519 16												
2d Quarter of 1844,											9,348 19	591 65		591 65				9,939 84												
3d Quarter of 1844,											10,569 41	105 60		105 60				10,675 01												
												3,985 33	64 33		421 00	141 84		164,415 75												
Total amounts paid out,											159,803 25			4,049 66			562 84	164,415 75												
Amounts unexpended, remaining to the credit of the State, in the State Bank, on the 1st October, 1844,																														
																			53,630 21	68,777 20	2,188 41	1,515 84	151 37	126,367 03						

*NOTE.—On the 17th April, 1843, John Hutt, as Treasurer of the State, received \$15.43-100ths, on account of Escheats in Pulaski county, which amount he has not yet paid over to his successor.

TREASURER'S OFFICE,
Little Rock, (Ark's) 1st October, 1844.

**JARED C. MARTIN, Treasurer of
the State of Arkansas**

REPORT

OF THE

AGENT OF THE PENITENTIARY.

*To the Honorable the General Assembly
of the State of Arkansas, now in session :*

In obedience to the 5th section of an act approved on the 17th December, 1838, I herewith submit to your honorable body the present condition of the penitentiary of the State, showing the profits and losses of the establishment, and the number, name, and general description of persons discharged since the 1st November, 1842, with a few suggestions for such improvements as I consider indispensable to the security and safe-keeping of the convicts therein, and the character and importance of the institution.

The following table contains the whole number of commitments, deaths, pardons, and escapes, from the 31st October, 1842, to the 31st of October, 1844 :

Whole number of prisoners on the 31st of October, 1842,	21
Number of commitments from the 31st of October, 1842,	
to the 31st of October, 1843,	20
Do. do. from the 1st of October, 1843,	
to the 31st of October, 1844,	20
Number of deaths during the year 1843,	2
Do. do. during the year 1844,	1—3
Number of pardons during the year 1843,	1
Do. do. during the year 1844,	1—2
Number of escapes, during the year 1843,	0
Do. do. during the year 1844,	1—1—6
Whole number of deaths, pardons, and escapes, from 31st October, 1842, to 31st October, 1844,	6
Whole number of prisoners confined in the penitentiary, on the 31st October, 1844,	42

HIRAM EDIS, convicted of larceny, in Monroe county, delivered November 13th, 1842, died of scurvy, on the 19th July, 1843. Said Edis was of fair complexion, blue eyes, dark hair, with a scar on his forehead, five feet nine and a half inches high, and about twenty-two years of age.

WILLIAM FEVERS, convicted of larceny, in Chicot county, delivered on the 25th December, 1842. He was afflicted with the scurvy

when he arrived here, and died of that disease on the 12th of December, 1843. Said Fevers was of fair complexion, blue eyes, light hair, five feet ten and a half inches high, and about twenty years of age.

WILLIAM ANDERSON, convicted of manslaughter, in Desha county, delivered on the 3d of April, 1844, died of bilious fever, in October, 1844. Said Anderson was of fair complexion, blue eyes, light hair, five feet five inches and three-fourths high, and about twenty-seven years of age.

BENJAMIN FULLER, convicted of homicide, in Lafayette county, delivered on the 27th May, 1841, was pardoned on the 19th June, 1843. Said Fuller has black eyes, dark hair, is five feet nine and a half inches high, and fifty-eight years of age. He was sentenced for twenty years.

HIRAM HUBBARD, convicted of larceny, in Phillips county, and sentenced for three years, delivered on the 19th of December, 1841, and pardoned on the 27th day of April, 1844, in consideration of the uniform good conduct of the said Hiram Hubbard during his confinement in said penitentiary. Said Hubbard is of a swarthy complexion, grey eyes, dark hair, five feet eleven and a half inches high, and about twenty-six years of age.

IRA B. WHITMORE, convicted in Pulaski county, on two several indictments: one, for having in possession counterfeit instruments for counterfeiting the coin of the United States; the other, for passing counterfeit corporation notes: made his escape from the penitentiary on the 11th of March, 1844. Said Ira B. Whitmore is five feet eight and a half inches high, fair hair; blue eyes, and fair complexion, and about thirty-nine years of age.

The following statement will show the profit and loss arising from the institution, from the 31st of October, 1842, to the 31st of October, 1844:

Value of work, tools, stock on hand, improvements, debts due and all effects purchased, since 31st Octo- ber, 1842, including the sum of \$384 55 paid for debts contracted by my predecessor,	\$9,106 52½
Cash drawn from treasury since 10th Feb., 1842,	7,721 25
Due agent, physician, and guard,	1,375 12
Due to sundry individuals,	2,822 99
	11,919 36

which leaves \$2,812 83½

as the total cost to the State from the 10th of February, 1842, or the sum of \$1,068 67 as the average cost per annum for a period of 2 years, 7 months, and 21 days.

Of the above amount drawn from the inspectors, there has been expended the following sums, to pay bills contracted before the undersigned came into office: as follows, and included in the above statement, to-wit:

John R. Desha, for medical attendance,	\$143 50
Pitcher, Officer & Co.,	88 32
Thomas Parcel, as guard, and superintending the shoemaker's shop,	106 94
Renssellear Munson, as guard,	9 27
Jacob Faulkner, do.	9 27
R. L. Lincoln, do.	27 25
	\$384 55

The following statement will show the expense incurred for necessary improvements:

Cost of material for erection of new fence around the yard,	\$304 09
For building smoke-house,	143 00
Do. do. guard house,	175 50
Blacksmith shop, and forges,	212 00
For building agent's office,	155 00
House for shoemaker's family,	65 00
Putting windows in cells, and catches on the doors,	95 25
Putting brick floor in kitchen,	35 00
	\$1,184 75

Your honorable body will perceive that the expenses of the institution have exceeded its income to a certain degree. This is not surprising, when the many disadvantages under which it labors are taken into consideration. It is a well known fact, that all similar institutions are necessarily an expense to their founders for the first five or six years of their existence, and this, too, where a ready market and good prices were always found for their productions, and where every cause combined to further their advancement. Unfortunately for us, a ready market and good prices are blessings we have not known, being not only obliged to labor at reduced prices, but to take in payment our own depreciated paper; and as for advantages, they have been, without a single exception, against us. A considerable disadvantage under which we labor, and which is inseparably connected with such an institution, of such homogeneous and discordant materials, is the tutoring of nearly all the convicts in the various branches of business, which requires time and expense before they are able to execute a job alone, to say nothing of the destruction of material and tools consequent upon the introduction of raw hands to mechanical employment. Of the 42 convicts now confined in the penitentiary, but 6 of them were men having a knowledge of mechanical labor previous to their coming here. As this seems a proper place, I will merely remark that I have taken pains to discover and foster the inclinations of all the convicts who have shown a desire to learn trades, so that, at the present time, of the whole number of convicts (42) there are now engaged in the various branches, 26. But their progress must, for a time, be slow, making but a trifle more than their expenses, when they have material. The want of a fund to purchase material, tools, &c., for

the use of the institution, is the most considerable drawback on our progress, having obliged us more than once to close certain shops; and confine the men to their cells for weeks together. As it never was an easy matter to collect with facility the debts due us, we have been compelled to lay on our oars until this was effected, when more material would be purchased. But such a way of doing business is attended with many inconveniences, and almost invariably with considerable sacrifice, being left at the mercy of the merchant, who, in consequence of the depreciated state of our paper, and other causes, sets an exorbitant price upon his goods. In the one article of shoes, we can manufacture from fifteen hundred to two thousand pair annually, besides repairing, supposing that we have a sufficient stock of leather to keep the hands steadily employed. Without a fund to lay in a stock, we are compelled to purchase in small quantities, at second and third hands, and at heavy prices, which in a great measure reduces our profits; and such is the competition in trade, that shoes can be imported and sold here cheaper than we can make them, with safe profits, if obliged to purchase our material here. In manufacturing articles of iron, we are able, with a stock of material, to make a clear profit of one thousand dollars annually. With a fund to import our iron, we are enabled to make choice in the quality of the article, and purchasing it at first hands, at wholesale, we obtain it for almost one-half what we have heretofore been compelled to pay. A fund is also necessary to enable us to import our working tools, of which there are so many required to supply the various branches, at wholesale, instead of purchasing them, as has been the case, in small quantities, and at exorbitant prices, in Little Rock. The clothing of the prisoners, which, at Little Rock prices, has heretofore cost about annually, might be imported from the east for one-half that sum. I have maintained, with the assistance of the under-keepers, a rigid economy in all the departments of the prison, with the view of making the establishment a self-supporting one, but without succeeding in my object. Being unfurnished with the capital, so indispensably necessary to ensure a profitable business, I am, besides, compelled to struggle against many other evils, which it is needless to enumerate here, and which the absence of that capital begets. I would, therefore, respectfully beg of your honorable body, a careful consideration of this subject of my report, hoping that its merits will show you the expediency of an appropriation of two or three thousand dollars, in par funds, for the express purpose of purchasing material, tools, &c., for the use of the penitentiary. Such an appropriation is necessary to preserve the character and importance of the institution—it is necessary to enable the institution to support itself—it is necessary, because it will remove from the shoulders of the people a tax which has heretofore been drawn from them for its support.

I took occasion, in my last report, to call the attention of the legislature to the expediency of making further improvements, viz:—the building of a Hospital and Wall, and a Conduit, which have been rendered necessary in consequence of a deviation from the original plan of building the prison. The want of a hospital for the re-

ception of the sick convict, has been severely felt: and a conduit, or series of cast-iron pipes, leading from each cell to a sink outside, such as is common to all other penitentiaries, is a measure that would contribute largely to the health of the prisoners. The propriety of erecting a wall to enclose the penitentiary, is apparent, and is becoming every day more and more indispensable. The number of convicts is fast increasing, and for lack of this measure of security, they must be confined to their cells, a dead expense to the State. Besides, it is a risk of health to withdraw needful exercise, as solitary confinement must eventually destroy the health of the convict; and, as to the security of the prisoners without a wall, it is sufficient to remark, that, under existing circumstances, a combined attempt of the convicts to leave the prison, could not be prevented.

For a more particular detail of the improvements necessary, I beg leave to refer to the subjoined letter of Capt. D. H. BINGHAM, and ask that it be received as a part of this report. The plan and elevation of the improvements proposed are herewith submitted—all of which is respectfully submitted,

By your ob't serv't,

JAS. McVICAR, *Agent Penitentiary.*

APPENDIX

TO

PENITENTIARY REPORT.

LITTLE ROCK, Oct. 29, 1844.

JAMES McVICAR, Esq.,

Agent of the Arkansas Penitentiary.

SIR—At your request, I have prepared and herewith hand you the ground plan and front elevation of certain improvements to the penitentiary buildings of this State.

I regret that my time has not permitted me to bestow more time and labor, in the execution of the drawings; they, however, will be sufficient, I hope, to convey an idea of the plan, and furnish data, upon which to predicate an estimate of their cost. The first in order, is the wall, enclosing an area or space, 300 by 400 feet, and containing

very nearly three acres of ground. The dimensions of this wall will be 3 feet base, 20 feet high, and diminish in the upward scale, to two feet at top: the whole to be surmounted with a roof, or coping, and provided with a chevaux-de-frise, on the inner side, immediately below the coping or roof.

Connected with this wall and with the present penitentiary building, on a line with its front, are two wing walls, of the same height, but only (30) thirty inches base, which are provided with gates. These, with the main building, will divide the yard or enclosure above spoken of, into two enclosures, or yards, the front, which is intended for the accommodation of lumber, &c., for the use of the mechanics in the establishment, being 100 by 300 feet; and the back or rear yard, in which all the mechanical operations by the convicts will be carried on, 300 feet square. The next building is a hospital for the accommodation of the sick. This building is situated in rear of the main building, opposite the front entrance.

It is designed to be three stories high, will contain eighteen rooms 12 feet square, provided with fire places, well ventilated, and covered with a roof connecting with that of the present building. It is provided with a balcony 12 feet wide and corresponding in height to each story, from which the ingress and egress to the hospital will be effected, either by a stair case or by a door to be cut from each of the rooms now occupied as the kitchen, tailor's, and shoemaker's shops. The next is a building one story high, located at the distance of 20 feet from the west wall of the yard, and is designed for a kitchen, dining room for the convicts, blacksmith shop, wagon maker's shop, carpenter's shop, tailor's and shoemaker's shops. The dimensions of the several shops and rooms are designated on the plan. The next is a building on the south side of the yard, designed for the accommodation of the prison smoke house, store house, and cooper's shops, the dimensions of which are likewise designated on the plan. The next is a building designed for the manufacture of cotton bagging and other fabrics of coarse quality and texture. It is designed to be three stories high on the east and four stories on the west end; it is provided with an engine house or shed, built upon pillars. Owing to the declivity of the ground, the basement story may contain a room forty-five feet square. This room is designed for the accommodation of the drum, attached to the main shaft of the engine, by which the machinery in the several stories will be driven; and may also be used, for the erection of turning lathes, boring and mortising apparatus, and such other machinery as will be introduced to facilitate the operations of manual labor. The several stories are designed for the accommodation of spindles, power looms, carding machines, and such other apparatus as may be necessary to carry on a manufacturing establishment.

It may here be proper to remark, that this part of the proposed improvement has been suggested and introduced into the plan, upon my own responsibility, not, however, without your assent; and while I would by no means wish to *obtrude* my views upon my friends and

the public, the occasion seems a fit one to indulge a few remarks upon the policy of employing the convict labor of a State in this particular branch of industry.

So far as my information extends, and your own observation and experience will perhaps corroborate me, only about one-half of the whole number of convicts in a penitentiary, under the ordinary modes of employment, are ever productive of any profit, scarcely of their own support. This results from the fact that in the great majority of cases, it is only the lazy, idle, and dissolute, who find their way into penitentiaries, and then, too, at a period of their lives wholly unsuited to teaching them any handicraft work, even when they possess the requisite skill and ingenuity to become expert craftsmen. It is in vain to think of making good and ingenious mechanics of men who have lived to the age of thirty, forty, or fifty years without ever exercising their minds in a single thought, except to plot crime and devise the means of detection; of men, too, who, when in the enjoyment of their liberty and civil immunities, were too lazy and indolent to employ the honest means of living, and too stupid, perhaps, ever to make any progress in the most simple branch of the mechanic arts, and especially when they have lost their liberty, and with it what little character they did possess, they have no incentive to excite their ambition.

To expect, therefore, that such men, degraded in their own and the estimation of the world, immured within the walls of a dreary prison, (and disfranchised when they get out,) when their sphere of action must necessarily be limited to the manufacture of only a few of the now useful and essential articles of consumption, such as shoes, furniture, farming utensils, will become a source of profit, is perfectly idle, and it is equally as idle to expect to make good mechanics of men of the character and habits of those who generally become the inmates of penitentiaries, to an extent that will render their labor productive, under the ordinary mode of employment.

It is then the true policy of a State, that has adopted the penitentiary system, to adopt such a plan of operations as will give steady, constant, and profitable employment to the convict from the moment he enters its walls—and I know of no plan better calculated to do this, than the introduction of manufactures of coarse cotton fabrics, especially in a cotton growing country. It is a species of employment that requires but little skill or ingenuity in the operative. He is the mere instrument, under the supervision and control of a skillful manager to put the machinery, which performs the labor, in motion, and attend and direct its operations during the hours allotted for its continuance. The introduction of machinery into penitentiaries, for manufacturing purposes, is beginning to claim the attention of the public in several of the States, especially the manufacture of cotton bagging, where the experiment has proved entirely successful and far more profitable than any other employment heretofore followed. It is profitable, because it gives employment to such convicts as from their habits or incapacity are not qualified to be employed profitably in any other branch of mechanical business, and therefore constitute what may be called the sur-

plus labor of the establishment, as is the case to a greater or less extent in every prison.

Another consideration which presents itself with much force, and which has influenced the introduction of this species of employment for convict labor, is that it does not bring convict labor into competition with the several mechanics in the vicinity of a penitentiary.

This consideration is an important one, and worthy the attention of the legislator.

In addition to the buildings above spoken of, the plan proposes, and the improvements should be carried on with a view of its ultimate, if not its immediate, erection, the building of a dwelling for the use of the agent, his office, and the office of a clerk.

The wall being the most necessary, and indeed, indispensable, improvement, I proceed first to estimate its cost separately—as when this improvement is once completed, the others can be erected at your leisure, and the actual outlay will be much lessened by the labor of the convicts. The estimate relates to a wall built of brick, of the best materials, and built in the most durable and substantial manner. The construction of the wall will require 1,490,000 brick, and it ought to be built complete for eight dollars per thousand. This would amount to eleven thousand nine hundred and twenty dollars—say in round numbers, twelve thousand dollars. The wing walls will cost nine hundred and fifty dollars, and will contain 118,800 brick; making the entire cost of the enclosure and wing walls, twelve thousand eight hundred and seventy dollars. The hospital contains 153,440 brick, and will cost for lumber and other materials and brick work, not including the carpenter's work, as this can be done by convicts, and is estimated to cost \$1,552 80. The several shops, and apartments thereto attached, will contain 161,480 brick, and are estimated to cost \$1,619 90, exclusive of carpenter's labor. The cotton manufactory will contain 535,040 bricks, and is estimated to cost, exclusive as before, \$4,780 32. The agent's dwelling and out-houses will contain 218,000 brick, and is estimated to cost, exclusive of carpenter's work, \$2,244.

RECAPITULATION OF ESTIMATE.

Enclosure and wing walls, - - -	\$12,870
Hospital, - - - - -	1,552 80
Shops, - - - - -	1,619 90
Cotton Manufacturing, - - -	4,780 32
Agent's Dwelling, - - - -	2,244

Total cost, - - - - - \$23,067 02

Exclusive of the carpenters' work, to prepare the several buildings contemplated in the plan of the proposed improvements, ready for the reception of the machinery, tools, &c., will require an outlay of \$23,067. In addition to this, will be required the engine, fixtures and machinery for the cotton manufactory. The cost of which may be stated as follows:

Cost of engine and fixtures, - - -	\$2,500
Cost of 1,000 spindles and machinery complete,	

at \$5 per spindle,	-	-	-	5,000
10 power looms, at \$40 each,	-	-	-	400 00
2 carding machines, at \$250 each,	-	-	-	500 00
Add for contingencies,	-	-	-	1,600

Cost of engine, &c., \$10,000

Making the total cost of the improvements and machinery, &c., \$33,067 00

Three looms and spindles would require from 20 to 25 operatives, under the direction and supervision of a practical and skilful superintendant, and would produce as the average performance daily 500 yards of cloth, which at 10 cents, would be equal to fifty dollars a day, including the expense of fuel, oil, wear and tear of machinery. I have no means by which I can estimate the daily expense of working such an establishment, but it would be unreasonable to estimate the expenses at more than \$15 per day. It may here be remarked, that the labor which would thus be employed is that which, under other modes of employment, is unproductive to the prison revenues, and which is mostly incapable of self support.

Other advantages would result to the mechanical operations of the prison from the introduction of the steam power, as it might be used to facilitate the several operations in the different branches of mechanical business; which are now carried on by hand, and which have heretofore been enumerated.

In conclusion, I will remark, that the improvements, if carried out will add to the convenience and security of the prison. In its present condition, it is a most awkward, insecure, and uncomfortable concern—not only to the prisoners, but to those having charge of the several departments of the establishment, and those who have the honor of protecting its plan and supervising its construction, must have contemplated none other than solitary confinement for the convicts.

With these remarks, I submit the subject to your consideration, and through you to the Legislature.

I am, sir, very respectfully, your ob't serv't,

D. H. BINGHAM,
Civil Engineer.

JAMES McVICAR, Esq.

LETTER AND MEMORIAL

FROM ARKANSAS BOND HOLDERS, REFERRED TO IN THE MESSAGE.

To his Excellency,

the Governor of the State of Arkansas :

SIR—We the undersigned, holders of bonds of the State of Arkansas, take the liberty of calling the attention of your excellency to the serious loss and inconvenience arising to us, and to a number of our constituents, who have invested their capital in these bonds at our suggestion, from the non-payment of the interest thereon, which has now been left in suspense for several years, no dividend having been paid since the 1st July, 1841.

These bonds were created by an act of your Legislature passed after mature deliberation, and duly sanctioned by the executive, for the purpose, as we were informed, of aiding your banking institutions, and developing the resources of your State, the natural advantages, of which were known to us to be equal to those of any section of your fertile country.

Feeling confident, from these facts, and from our high appreciation of the character and intelligence of the American people that engagements so based, would be at all times religiously fulfilled we not only embarked our own property in these bonds to a considerable extent, but also recommended them strongly to our friends in this country, and on the continent of Europe, as an investment, the perfect safety of which could not admit of a doubt. Many of the persons who have thus invested their capital, are dependent for their subsistence on the punctual payment of the interest, and we fear the inconvenience and distress arising from a want of regularity in this respect, has not hitherto been sufficiently appreciated on your side of the Atlantic; it cannot be too strongly described.

It is therefore a matter of deep anxiety to us, that prompt and efficient means should be taken to provide for the arrears of interest, and to assure its punctual payment hereafter. For this purpose we have drawn up a memorial to your Legislature, of which we beg leave to enclose a copy, and towards this object, we also venture respectfully to solicit your excellency's powerful influence and co-operation, which we confidently rely, will not be withheld, when the result will not only relieve the numerous and respectable persons whom we represent, from difficulties and want, but also eminently redound to the honor and credit of the State, in the government of which, your excellency fills so prominent a station.

We have the honor to be, sir, your excellency's very humble and obedient servants,

FRED HUTH & Co.

JOSEPH HUME, M. P.

JOSEPH HUME, *for*

ROBERT LAW *and others.*

PALMER MARKILLASS DENT & Co.

NOUIRN, ZOLART & MURROCTO.

LONDON, 29th August, 1843.

To the Honorable the Senate and House

of Representatives of the State of Arkansas :

The memorial of the undersigned, holders of bonds issued by the State of Arkansas in favor of the Real Estate bank and the bank of the State of Arkansas, respectfully sheweth :

That your memorialists were invited in the year 1839, to become purchasers of the bonds of the State of Arkansas, issued in virtue of an act of your honorable body, which, they were informed, had been passed after mature deliberation, and duly sanctioned by the executive ; the proceeds of these bonds were intended, as the act stated, to aid the banking institutions of the commonwealth, and to develop the resources, which your memorialists knew to be of the highest order. That as a further argument to inspire confidence in the perfect safety of these bonds, it was stated to your memorialists, that the Government of the United States had invested a large amount of Trust money in the same stock, and that the whole debt of the State of Arkansas, did not exceed three millions of dollars, that the interest on this loan could at all times be easily raised, and that no new loans would be necessary, as the natural advantages of communication throughout the State were such as to render rail roads and canals superfluous.

That upon these representations ; and, with a full reliance on the high character, and the intelligence pervading all classes of the American people, your memorialists were induced to invest a large portion of their property in the bonds of your State, at full prices, and also recommended these bonds to their friends in this country and on the continent of Europe, as an investment of the most undoubted safety.

That many of the persons who have thus invested their money in the aforesaid bonds are dependent for their subsistence on the punctual payment of the interest, having few or no other sources of income.

That your memorialists, after receiving their dividends with great

regularity up to the first of July, 1841, have not, since that period, received any portion of the interest due to them, although the agents with whom the dividends had been made payable, had written to the Treasurer of the State of Arkansas, to acquaint him with their appointment, and to recommend punctuality in his remittances for the said dividends, as the only means of preserving and increasing the confidence in the European public in these securities.

That your memorialists have no official information of the causes of this disappointment, nor any means of judging when the payment of the interest will be resumed, and that in the mean time they are not only themselves suffering considerable inconvenience, but are unable to satisfy the numerous enquiries from constituents abroad, some of whom are involved in serious difficulties in consequence of the non-payment of the said dividends.

That your memorialists, whilst deeply lamenting the financial embarrassments of your country, of which the State of Arkansas appears unfortunately to have had its share, are unshaken in their confidence in the perfect safety of all engagements for which the faith of that State is pledged, and in this confidence they have hitherto patiently waited for the action of your honorable body in regard to the aforesaid bonds; they have learned with satisfaction that as far as the bonds issued in favor of the Real Estate Bank are concerned, the interest thereon is to be provided from the assets of that bank, in a certain rotation fixed by a deed of interest executed for that purpose under judicial sanction.

Your memorialists have also learned with much gratification that many influential persons in the State of Arkansas have, on various occasions, expressed the most honorable opinions in regard to the public debt, and the necessity of providing for it, and that the same sentiments are entertained and powerfully advocated by the Honors the judges of the courts of the State, whose views—from their independent station and acknowledged learning—seems peculiarly entitled to respect in a case involving public obligations.

Under these circumstances your memorialists on the one hand, fully appreciate the difficulties in which your country has been so unexpectedly and overwhelmingly involved, and they no less appreciate the honorable motives and feelings which influence the people of Arkansas; but on the other hand they consider it a duty which they owe to themselves and to their constituents, to lay the case before your honorable body, as one of the most serious import to a numerous class of persons, who, at a great distance, and with no means of investigating your local or internal arrangements, but confiding in the institutions of your country and the character of your people, have staked their property upon the solemn engagement which the bonds in question purport to set forth, and who now suddenly, and undeservedly find themselves deprived of their income, and exposed to inconvenience and want. On the part of these their constituents, as well as on their own part, your memorialists beg leave respectfully but earnestly to entreat the special and immediate attention of your honorable body to the

prompt payment of the interest on the aforesaid bonds, and they venture to hope that, independent of the share to be eventually derived from the assets of the banks—the collection of which would appear uncertain and precarious—measures will be adopted to raise the necessary funds from such other sources as your honorable body may deem proper, and that the funds so obtained, in proper time as they are collected, will be rateably applied to the holders of the coupons of the aforesaid bonds now due, until the whole of the arrears are paid off.

And your memorialists as in duty bound, will ever pray.

FRED HUTH & Co.

PALMER MARKILLASS DENT & Co.

JOSEPH HUME, M. P.

JOSEPH HUME, *for*

ROBERT LAW, HANES, HIBBARD *and others.*

NOUIRN ZOLARTE & MURROCTO.

LONDON, 20th August, 1843.

REPORT

ON THE

AUDITOR'S BOOKS.

MR. SPEAKER:

The joint committee to whom has been referred the examination of the auditor's and treasurer's books, have performed that duty, and beg leave to report:

That their examination was extended to the fiscal term embracing the period intervening between the 30th September, 1842, and the 1st of October, 1844. And after a full examination of the books, accounts, vouchers, and other official documents of the auditor and present treasurer, and comparing the same with the reports of the auditor and treasurer, accompanying the Governor's message to this General Assembly, with the tabular statements affixed to said reports, they find the same to be correct.

Your committee take great pleasure in bearing testimony to the fidelity and official ability of the auditor and present treasurer, in regard to the order and manner of keeping the books, vouchers, &c., of their respective offices. Your committee regret to find that the late treasurer became a defaulter to the sum of \$4,028 37 cents, an account of which your committee will state as brief as possible.

In pursuance of an act, approved the 3d of February, 1843, appropriating a sufficient portion of the surplus revenue to liquidate the demands upon the treasury, the auditor of public accounts on the 31st of March, 1843, by letter of that date, required the financial receiver of the bank of the State of Arkansas, to adjust the accounts of the State treasurer with the bank, and place to his credit in bank, the sum of \$61,679 09; which sum was necessary to meet and discharge warrants, drawn during the 6 months, ending with the 31st day of March, 1843, over and above the ordinary revenue in the State treasury.

And upon such adjustment of the accounts of the State Treasurer with the Bank, it was discovered that said treasurer was in default to the sum of \$4,012 94, on the 31st day of March, 1843; and pending the investigation of the treasurer's accounts with the bank, on the

17th of April, 1843, he received \$15 43 not yet accounted for, which added to the \$4,012 94, makes the total amount of his defalcation to the State, \$4,028 37, up to the time he resigned, on the 20th April, 1843,—not including the \$300 overdrawn by said treasurer, at the branch of the bank at Fayetteville.

This defalcation was concealed, by the incorrect statements in the quarterly reports of said treasurer, of the amounts of money in the treasury ; as also in his biennial reports to the Governor, as the treasurer reported the precise amounts to be in the treasury with which he was charged in the auditor's office ; but at the same time, as has since been discovered, had not the proper amounts to his credit in bank. And this default had escaped the attention of two committees, who examined the books of the treasurer—one in 1840, and the other in 1842, and two committees of the Legislatuse, appointed to examine the State bank, one in 1840, and the other in 1842.

This is to be accounted for from the fact that each set of committees had confined their inquiries to the special duties assigned them ; the one in examining the books of the treasurer, and the other in examining the books of the bank ; and this was only detected by the auditor, in carrying into effect the 2d section of the act approved the 3d of February, 1843, and affords another example of the evils resulting from the want of a rigid, prompt, and efficient system of accountability in regard to public officers, having the custody and disbursement of public funds. Had it been made the duty of the auditor of public accounts, on the receipt of the quarterly reports of the Treasurer, to compare those Reports, with the accounts of the Treasurer in bank, or had he been authorized to examine the accounts of the treasurer with the bank, or had the cashier been required to make quarterly reports to the auditor, of his accounts with the treasurer, your committee feel assured that this defalcation would not have escaped the scrutiny of that most vigilant and faithful officer.

Your committee have also examined the accounts of receipts, and expenditures in the auditor's and treasurer's department, from the 1st of October, 1844, to the 16th Dec., 1844, inclusive ; and find the receipts during this period to have been \$26,722 19 cents, and the warrants drawn and redeemed in the same period, amounting to \$9,506 81, leaving a balance in the State treasury on the 16th of December, 1844, of \$17,215 38.

Your committee counted the money in the hands of the treasurer, on the said 16th of December, and find the total amount in his hands on that day to be seventeen thousand two hundred and fifteen dollars thirty eight cents.

For further information, your committee would refer to the various tabular statements, accompanying the auditor's and treasurer's report.

It is the opinion of your committee, that the revenue laws should be so amended as to permit non-residents to pay their taxes into the State treasury. It would relieve them of a great burthen ; and less land would be sold for taxes, and still less, forfeited to the State, under the operation of such a law.

Your committee would recommend that so much of the 13th section of the act incorporating the bank of the State of Arkansas as makes the funds of the State a part of the capital of said bank, be repealed, and that all the funds of the State in said bank shall here-
ter be a deposit in said bank, to the credit of the State.

It is also recommended, that the bonds and scrip of the State paid and taken up in the last two years, be burned.

WILLIAM TRIMBLE,
Ch'n. Sen.

JOSEPH W. McKEAN,
MARK BEAN,
JOHN S. FICKLIN,
DAVID MAXWELL.
Memb'rs Sen.

THO'S. WILSON,
Ch'n. House.

M. B. McCOY,
L. C. BLAKEMORE.
Memb'rs House.

DECEMBER 21st, 1844.

GOV. DREW'S INAUGURAL ADDRESS.

*Gentlemen of the Senate,
and of the House of Representatives :*

Custom, long established, and sanctioned by the example of my predecessors, requires of me a brief exposition of the views of the character of our governmental institutions, and the general principles which should obtain, in adapting them to the wants of the people, so as to subserve the wise purposes, and attain the just and beneficent ends for which they were established.

In this requirement, I yield a cheerful acquiescence ; being in the service of the people, and entertaining no opinion, calculated to affect their interests, that I deem it proper or desirable to conceal.

The system of government, under which we live, is a peculiar one—peculiar, alike, in its benign influences upon the character and condition of associated man, and in the source, the organic arrangement, and the practical application of its powers. Originating in that most illustrious of all eras in the destiny of men—the American revolution—and based upon the sacred and immutable truth that “all men are created equal,” it has been “the pillar of cloud by day, and of fire by night”—the shield and spear of the American people ; and, bearing them triumphantly through scenes of unparalleled trial and danger, has, in little more than half a century, enabled them to become one of the most important, and certainly the freest and most prosperous nation in the world. This glorious result has been attained by securing to every man, equally, the freedom of conscience and of speech, the unmolested enjoyment of the fruits of his industry, and an unrestrained voice and unfettered hand in making all laws, which may affect his life, liberty or property—in a word, by making man free, and all freemen equal.

This general view of our government presents its peculiarity in a very striking and attractive light ; satisfying, equally, the statesman and the philanthropist that, while no other government, of past or present time, has been really like it in character, all others have fallen infinitely short of it, both in the purpose and means of promoting human happiness. For, although a fondness for antiquarian research, and the genius of speculation, have, occasionally, traced back a similitude to some of the ancient republics, and even claimed them as mo-

dels of our own; yet a careful examination, and a fair estimate of their features, have proven all other governments, at whatever period they may have existed, or by whatever name they may have been known, to have differed from ours, in regard to, at least, one all-important—vital principle. In all of them, distinctions among men—castes—orders—grades in society, and political inequality, were recognized and established; whereas, with us, *the equality of men* is the fundamental truth, and indispensable conservative principle. Thus, in the people we find, and from them, as the primary source, we derive all political power.

If, in the features I have mentioned, the peculiarity of our government is so obvious and important, it is none the less so in, what I have denominated, the organic arrangement of its powers. In contemplating this, the complex or double character of the system is the first to arrest attention, as at once, and alone, sufficiently distinguishing it from every other. And while the stranger, or uninformed, is impressed, by it, with the idea of incongruity, and the apprehension of a conflict of incompatible powers; to him who has studied the philosophy of the system, and is familiar with its operation, nothing can be more simply beautiful in all its parts, more harmonious in the adaptation and adjustment of those parts to each other, or more efficient and successful in the performance of all its functions. This double character of organization involves a conservative principle, second in importance only to the one already noticed. And this principle consists in the distribution of power, not merely among the co-ordinate departments of a single government, but in addition, among a series of governments, each a sovereign State, and competent to the administration of its own domestic affairs; and yet, all bound together in one general government, by the strong ties of fraternal union, for the management of foreign relations, and for the common defence and general welfare. The distribution of power, here described, is provided for, and its limits prescribed, in the organic law, or constitution, of each in the series; including, alike, the general and State governments. The State constitutions provide, in the main, only for immediate State interests; transcending this limit, only so far as is necessary to secure the Union. Whereas, the constitution of the general government, with a wider scope, and in more general terms, omitting all that is properly domestic to each State, takes cognizance and care of those interests which are common to all the States; but which neither one, alone, is able to protect and preserve, and confers the power to establish, for us, proper relations with the other nations of the earth. These several constitutions are written; and they define and limit the powers of their respective governments. This is particularly the case with the constitution of the general government; and for sound and obvious reasons. Indeed, the State governments may exercise power by inherent right, except wherein they are forbidden, by the people, through their respective constitutions. Whereas, the general government exists, only by the common consent of all the States; it has no rights, and exercises power, only by virtue of expressly delegated au-

thority, from the States, through its constitution. To prove this, it is only necessary to recall the historical facts—that when the American colonies had severed themselves from the mother country, they were sovereign and independent States, with no political association or connexion with any other State or nation;—that their union with each other was voluntary, and for certain purposes, which are declared in the constitution, and the accomplishment of which is provided for, by certain specific grants of power:—and that the action of one or more States had no binding force or influence upon any other State, but that each came into the Union, of its own free and sovereign will, and upon the terms expressly set forth in the constitution. If, then, the States were, at any time, sovereign, they are so still, and must so continue, while they exist; for sovereignty is the life of a State. True, a State may, for certain purposes, delegate to a small number of individuals, or even to a single person, the authority to do certain acts which are incident to sovereignty alone. And this is what the American States have done, in forming the Union. There were certain duties, for the common benefit of all, which neither one, alone, nor all acting separately, could perform with convenience or advantage; and these are the duties, specified in the constitution, with the performance of which the general government is entrusted. Fidelity to this trust demands that these duties should be fully performed, but not transcended.

From the foregoing, it results that we have not a single government, after the fashion of any other people; but a *system*, formed by the union of several sovereign States, each retaining its essential sovereignty, and yet contributing with all the others, a limited and specific portion of its authority, to be used for the common and equal benefit of all. This is manifest, alike, from the only motive which could have induced to the Union, and from the terms of the compact. Giving life, and vigor, and usefulness to this system, there are inherent in it, the two conservative principles I have briefly attempted to illustrate: the one is the primary power of the people, acting directly upon the State governments, controlling and directing them: the other is the sovereignty of the State governments, deriving all their rights and powers from the people, and creating, limiting and controlling the power, and action of the general government; each keeping within its respective sphere, and working together for good.

From the application of my remarks, upon the characteristic differences between our government and others, our sister republic of Texas is to some extent exempt. Settled by our own people, she is blessed with a government modelled after ours, and similar to it in every essential principle and feature—with a single exception. The difference consists in the fact that while ours is a system, such as I have described, hers is a single government—a unit, and in the very nature of things, must ever remain so, as long as she retains her separate and unassociated existence. The constitution of Texas blends, in itself, all the powers found in our general and State governments, without the ability to divide them, in a manner to enable either one to resist the other. And as the division of power between the co-or-

dinate branches of the same government, cannot be made precisely equal, a coalition of the two weaker must either take place, to resist the stronger, or, what is most likely, between the two stronger, and then a subversion of the government is inevitable. This demonstrates the necessity of providing a different depository of the second conservative principle, of which I have spoken, which the wisdom of our fathers, unaided by example, so happily suggested, and which has so often been salutary in restraining the hasty action of popular government. Texas is not wanting in general intelligence, in courage, and an untiring disposition to sustain a republican form of government. Nor is she destitute of statesmen, who are able to discern—not the defects in her institutions—but the superior structure of ours, based, as they are, upon that division of political power, of the advantages of which, she can avail herself, alone by annexation. So truly do I regard her as a sister State, and so certain do I consider her speedy incorporation into our Union, that I can never omit her, in my estimates of the future greatness and glory of the United States.

Having thus hastily, and in very general terms, attempted a sketch of my views of the frame-work of our system of government, I leave you to infer the particular application of them, to the purposes of national and State legislation, and executive action.

My immediate predecessor, on whom the duty rightfully devolved, having so recently communicated to you, an account of the affairs of the State, accompanied by his views of the policy it is proper for you to adopt in relation to the several subjects presented, I shall reserve, to a future occasion, any opinion of my own, upon the same subjects, or such others as I may deem it my duty to propose for your consideration.

The people are sovereign. I am their servant. By their free suffrages, they have chosen me to be the Chief Magistrate of this State. For so distinguished a testimonial of their confidence, I have no words at command, to express the profound gratitude that fills my heart. My highest ambition is, and my constant effort shall ever be, to prove by my acts, that this generous confidence of my fellow citizens, has not been entirely misplaced—that I entertain a just appreciation of the duties it imposes—and that I am duly sensible of the high honor of being deemed worthy to perform them.

For the means and ability to accomplish this, with usefulness to the State, and consequent satisfaction to myself, I rely far less upon any resources of my own, than upon the enlightened councils and patriotic aid, of those other servants of the people, by whom I am happy to find myself surrounded. To their hands have been committed the best interests of the country—to their wisdom and virtue have been entrusted the dearest hopes of the people. It is their duty to make wholesome laws—it will be mine to see those laws faithfully executed. Looking confidently to them for ready co-operation, and a firm support, and humbly invoking the guidance of Divine Providence, without whose propitious smiles all human effort is in vain, I venture to hope for a successful and prosperous administration of the State government.

GOVERNOR'S MESSAGE.

*Gentlemen of the Senate and of
the House of Representatives :*

In conformity with the constitutional requirement, and with my own promise recently made, I present you my views upon several subjects of public interest.

The communication of my immediate predecessor, embodying most of the subjects within your probable sphere of action, and coinciding, in the main, with my own opinions, leaves me comparatively little to say, either in the suggestion of new subjects, or in the discussion of those already before you.

I invite your attention in the first place, to the affairs of the bank of the State of Arkansas, an act, for the liquidation of which, was passed at the last session of the General Assembly, and approved January 31st, 1843.

So far as that act intended to withdraw from circulation an unsound, uncertain and greatly depreciated currency, the object has been, to a great extent, accomplished; for but few of the notes of the bank are, at the present time, to be met in ordinary business transactions; the most of the very small amount yet remaining unredeemed, being in the hands of brokers and speculators.

That provision of the act authorizing the receipt of the bonds of the State in payment of debts due the bank, when the whole amount of the circulation of the bank shall have been redeemed, has of course, been inoperative. As a measure of policy, beneficial in its various bearings, which will, doubtless, suggest themselves to your minds, I submit, for your favorable consideration, such an amendment of the act as will authorize the immediate receipt of the State bonds in payment of debts due the bank.

You are aware, I presume, that many of the debts, due the bank, are in a precarious condition, and will be exceedingly difficult to collect, even with the most prudent management. I have no doubt that a resort to harsh measures of coercive collection would, in a majority of instances, render collections still more difficult, if not wholly impossible. This is more particularly the case where, as is often found, the principal is wholly insolvent, and the debt, if collected at all, must be paid by the securities. In view of this state of things, I recommend such an amendment of the act as will authorize the receivers to secure debts, when the principal is known to be unable to pay, by taking

liens upon land of sufficient value, or, if thought best, complete titles.

Experience has already shown that securities, and sometimes even friends who are not legally bound, are willing to make the debt secure, in the way I have suggested, when it would be impossible to coerce, or otherwise secure its payment. Such an alternative, I am satisfied, has, upon more than one occasion, been presented to the receivers, who have not felt authorized, under the law, to release securities. It will be found exceedingly difficult, if not impossible, except by this method, to collect debts where the principal has failed.

The present plan of electing an attorney for the bank, or branches, with a fixed salary, is believed to be injurious to the interest of the State. The service of attorneys, at some of the branches, has cost the State much more than if the whole business of collection, and of obtaining legal advice, had been left to the discretion and management of the receivers; for they would call in the aid of counsel only when needful, and then pay a fair per centage upon collections. This, it is true, would increase the amount of discretionary power already lodged in the hands of the several receivers; but in my opinion it is preferable to a concentration, at the seat of government, of all business relating to the winding up of the branches, that will ultimately be required, in order to prevent local combinations which, it is believed, have already been made to interfere, to some extent, with the collection of debts due the banks.

I believe that the general plan of the act of liquidation is as well calculated to secure the interests of the State, as any now in the power of the General Assembly to devise.

With a few alterations, such as I have mentioned, and under the management of active and judicious receivers, I am of opinion that at least one half of the debts at some of the branches, and perhaps a larger proportion at others, may finally be collected.

This last statement may be regarded as presenting a somewhat gloomy picture of a very important interest of the people of this State: it is, nevertheless, a true one; and, deeming it so, my duty the more imperatively requires me to speak plainly of it, and earnestly urge it upon your prompt attention. For nothing is more true, of the affairs either of individuals or of States, than that they are most in want of attention, when it is unpleasant to think or speak of their real condition.

The limited knowledge which, in common with the public, I possess of the affairs of the Real Estate bank, does not enable me to add much to the suggestions of my predecessor.

I concur with him, as to the propriety of an investigation into the affairs of that institution. Without pretending to determine whether it now exists as a public corporation or as an association of private individuals—or whether it has been fairly or unfairly conducted, I have no hesitation in declaring my opinion that, inasmuch as it was created by the representatives of the people, for the public good, and not for private advantage alone, it is not now, nor can it ever become independent of the power from which it derived its existence. And further,

that inasmuch as it still exerts an influence upon the interests of the people, it is, alike, the right and the duty, of the people's representatives to ascertain whether that influence be rightfully and usefully exercised. If it be, then a knowledge of the fact will satisfy the public mind, and promote the public good. If it be not, then the evil in this case, as in all others coming within the scope of legislative power, should be promptly corrected. It is a monstrous position, which I have heard advanced, that the legislature has no rightful authority to examine into the affairs of this institution, or any other, whether public or private, whose acts are believed to affect the public interest. It is truly a dangerous one, when maintained in reference to institutions created by the legislature. The power to create corporations, and endow them with exclusive privileges, is to say the least of it, at war with the fundamental principles of popular government; and, when exercised in behalf of associated wealth, is among the most dangerous which any government has ever wielded. Experience has proven this, in almost every State of the Union, and in no one, more disastrously than in our own. If, added to this, it is admitted that corporations, of any kind, once created, may become independent of their authors, may alter the terms of their original existence, and prescribe new terms for their own perpetuation, it is not too much to say that political power is no longer in the hands of the people, that our form of government is subverted, and, in the language of my predecessor, that the country is governed by a "set of soulless corporations." I hold it to be a self-evident truth that the power to abolish is inseparable from the power to create. And, as with governments, so with all inferior creatures, including banks, when they fail to answer the purposes of their creation, it is the right and duty of the creating power to abolish them. In regard to banks, particularly, it is, to my mind, a plain and unavoidable principle, that when they fail, either by falling short or transcending the conditions of the law, by which alone they exist, all their powers and privileges, at once, revert to the source from which they were derived, and which in this instance, is the legislature. It is true, our State constitution, if it does not impart the power, limits the legislature in its authority to the creation of a certain number of banks; but at the time it was framed and adopted, a state of feeling existed among the people of the whole country, unparalleled in all past time, and never to be experienced again, it is hoped, in all time to come. We then followed an *ignis fatuus*, which lured us on, but to dazzle, bewilder and betray; while now, we have a light, made clear and steady by a severe experience, by which we are guided to a truer policy. If our constitution was to be framed at the present day, where is the convention that would confer the power, or rather would not prohibit the power of creating banks by the legislature? Need it be asked if the people of Arkansas would ratify any such grant of power? I do not mistake the popular will when I say, that instead of granting the power to create banks, they would expressly prohibit it. If this opinion be correct, of which I have no doubt, I feel warranted in advising the proper steps to be taken for an amendment of the constitution in accordance with it.

I feel it to be my duty, also, to join earnestly in the recommendation of my predecessor that immediate steps be taken to have the affairs of the Real Estate bank thoroughly examined and exhibited to the people, whose right it is to be informed of every thing affecting their interests. And it is hoped that any legislation on the subject, which you may think proper to adopt, will provide some definite, certain and effective means for its own execution, and thus guard against such signal and disastrous failure as attended the action of the last session of the General Assembly, in regard to the same matter.

The 8th section of an act of Congress, approved September 4th, 1841, makes a donation to the State of Arkansas of 500,000 acres of land, for purposes of internal improvement. The location and disposal of these lands were placed, by Congress, under the discretion of the General Assembly. In the message of my predecessor, under date of 4th instant, it appears that 479,882 acres have been located; of which 225,527 acres have been confirmed to the State; the number of acres located and not confirmed, is 189,715; the number of acres located, the plats of which are not in the register's office, is 34,640. And that 136,000 acres of those located and confirmed have been sold under the provisions of the act of the last session of the General Assembly, passed December 31st, 1842. This act fixes the price of these lands at \$2 an acre, to be paid in equal ten annual instalments, with 6 per cent. interest; and limits the quantity which may be sold to any one individual, to not less than 320 acres. From the best reflection I have been able to bestow upon the subject, I am of opinion that a change of the provisions of this act might be so made, as to accomplish more readily and efficiently the objects for which the donation was made. For this purpose, I recommend to your favorable consideration: 1st. A reduction of the price of these lands to the minimum price of government lands (\$1 25 an acre,) below which it cannot, by the terms of the donation, nor is desirable that it should, be reduced; 2d. A reduction of the minimum quantity which may be sold to any one individual, to at least 40 acres; 3d. The substitution of cash payments in place of the present credit; 4th. The allowance of pre-emption rights to actual settlers, but that no land shall be subject to entry at this price which shall not have been previously offered at public sale. In order to carry these views into prompt, useful and economical execution, I further recommend the passage of a law providing for the establishment of a board of *internal improvement* for the State, to consist of five members, one of whom shall reside in each of the four quarters of the State, and one at the seat of government; and giving them power to employ an engineer, to make examinations of the several navigable streams and public roads, and execute works of improvement generally, under their direction. After these examinations shall have been made, let it be the duty of the board to classify the several works determined upon; and provide for their execution, by appropriating, for the service of the first two years, by anticipation, at least one-fifth part of the proceeds of the donation. In

addition to the application of the amount realized from actual sales of land, to this purpose, farther power should be given to the board to issue land scrip, or warrants for unappropriated lands, which the holder, at his option may locate upon any of the selected lands, or hold up for payment when funds shall be realized from sales; these warrants being made payable in the order of their number and date. By this means, the board might be allowed to commence operations at an early day, and with great advantage to every interest in the State, upon several of our rivers now requiring the removal of obstructions to navigation, and upon various routes of land travelling, by improving old roads, as well as surveying, marking out and opening new ones.

Such a system of internal improvements as I have suggested, in the hands of competent men, cannot in my opinion, fail to advance the interest of the State, in an eminent degree. Its effect would be to bring the lands rapidly into market, and ensure them a rapid sale. Immigration to the State would be encouraged; and settlement and improvement, giving mutual assistance, would proceed with even and rapid steps. The experience of the first two years would afford data, upon which the General Assembly, at its next session, might proceed to cure any defects in the system, and improve it to the extent of its highest capabilities of public good, by making such appropriations as occasion might require, and the judgment of the people, through their Representatives, might dictate.

It is no valid objection to this system, that at some future period, perhaps in the course of a few years, these, lands may be more valuable, and command a higher price, than at present; for such enhanced value will be mainly produced by the very plan I propose for disposing of them.

The wealth of new States like that of individuals, when it consists of wild and unproductive lands, is usually the source of more expense than profit. Such is the case with us at present. If the lands at our disposal be suffered to remain in their native wildness, unsold and uncultivated, they will continue to exact care and expense at our hands, without any corresponding benefit to us; and prove valuable only to some remote generation of our descendants, who, admonished by our culpable disregard of the true interests of the State, shall adopt the enlightened policy of bringing into active operation, all the elements of prosperity at their disposal.

Among the good effects to be expected from the system of internal improvement I have proposed, would be the diffusion among the people, of ready means sufficient to enable many to discharge their liabilities to the banks. This is a consideration of peculiar importance, when taken in connection with the late floods of our rivers, which have proven so destructive to the crops, as to forbid the hope that any considerable amount of bank debts will or can be paid, during the current year, from the sales of cotton or other agricultural products. Under these circumstances, I do not feel justified in advising any additional tax upon the people, who are, already, very heavily burdened. And yet we are without the means, in hand, to pay the

accumulated, and still accruing interest upon our State bonds. This will not, I trust, and in justice should not be attributed to a spirit of repudiation. Our escutcheon has, so far, been preserved free from this stain; and I sincerely hope, and confidently believe, it will be, in all time to come. Our failure to pay has resulted from inability and not, I am sure, from indisposition to meet, fully and promptly, all our just liabilities. And I am equally sure, so soon as the requisite means shall be in our possession, none will have just cause of complaint at our delinquency.

In view of our embarrassments, it may be wise to consider of the causes which have produced them; for if such a retrospect cannot remedy the evils of the past, it may serve as a salutary lesson in the future. And here we are met, at the very outset, with the now obvious imprudence, on the part of our infant State, of incurring such an enormous debt for the establishment of Banks; which, without the ability to create real elements of prosperity, gave fictitious values to every species of property, repressed and retarded the development of the true resources of our soil and people, and at length exploding, have left us the crippled victims of visionary speculation. The pursuits of our people, and the condition of our country, just emerging from the wilderness, did not then, and do not now, justify the use of Banking facilities, if at all, to the extent provided, and of which we availed ourselves, as it seemed, in a spirit of emulation of the extravagance of other States, rather than in accordance with our real wants and substantial means. The highly inflated state of the currency, in all parts of the Union, at the time our Banks went into operation, with the other causes I have mentioned, all contributed to lessen the value of each man's accommodation, while in the same ratio it added to the debt contracted, and to be paid now. Few, I apprehend, have ever been able to realize any profit from their, so called, accommodations; while almost every one has a loss to regret. In these I trace the causes of the present embarrassments of our State and people; and hence our inability to pay our debts. But while we cannot pay, we will neither deny nor repudiate them. We only ask a little time, which, judiciously improved, will enable us, once more, to stand before the world unembarrassed and out of debt. Sincerely entertaining these hopes, I confidently express them, from my knowledge of the character of the State, in regard to its people and resources. I know it has all the elements of true greatness and prosperity; and that these only require time, and freedom from embarrassment, for their full and successful development. And in this hope, I again urge upon you, and our common constituents, to learn wisdom from the severe ordeal of experience through which we have passed, and from which we are not yet free.

On the subject of Education, I cannot too cordially concur with my predecessor in urging it upon your prompt and most favorable consideration. Congress has placed at our disposal the source of abundant means to provide for all the educational wants, in the department of high letters, of our young and growing State. This trust is

a sacred one, to the faithful execution of which, we are continually and loudly called, by every feeling and consideration which are dear to the hearts of men. I but do my duty, therefore, in earnestly advising that you will not withhold your attention, for a moment, from so important a subject; but that you will, by reference to all previous legislation, ascertain wherein our laws are defective or inapplicable; and having done this, proceed, with promptness and fidelity, to provide for the most advantageous and speedy disposal of all the Seminary lands, so as to raise a sufficient fund to commence the good work of establishing an Institution of learning, ere the rising generation—the future men of our State—shall arrive at manhood, or pass into old age, and charge their ignorance upon our neglect or parsimony.

In estimating the economy and policy of the measure I advise, let it be borne in mind that the means of its accomplishment are not to be raised by a tax upon the people. These means have been placed at our disposal for this purpose alone, and cannot be used for any other. It only remains for us to render them available; and it is, alike, a neglect of duty, an abuse of time, and a waste of money, to allow them to remain idle and unappropriated for the purpose of their bequest. Need I add that such neglect, abuse, and waste, are criminal on our part? If the stimulus of a fruitful example were wanting to impel us to action, we need go no further than our sister State, Missouri, who, with the same kind and amount of means, is now, by her seminaries, binding her brows with the unfading laurels of science and literature, at the same time that she is saving annually, to her people, the thousands of dollars which would, otherwise, be drawn off into other States for the purposes of education. She wisely keeps her children at home, and retains in her own hands, as additions to her wealth, the price of their education, which she is as well able to impart as her neighbors. I sincerely hope that the influence of this noble example will not be lost upon our own beloved State.

The Militia of our State appears to have been an object of much solicitude, both to the Legislature and to the Executive, ever since the adoption of our Constitution; and various plans have been proposed, and in part adopted, for its thorough and effective organization. Of the merits of the plans which have been proposed, or of the one which is now in operation, I am not prepared to speak, in detail, with any thing like confidence in the practical wisdom of my own views.—But, as a general remark, I am constrained to say that our present system is obviously defective; failing, in many essential particulars, to answer the purposes of its establishment. While, therefore, I omit the recommendation of any other system, if one should suggest itself to your minds, either in the form of an original plan, or of an amendment of the present one, it will afford me pleasure to co-operate with you in its adoption. Only one thing in this connexion, I will submit for your consideration. Volunteer companies are believed to be among the most efficient constituents of the Militia, both for the purposes of discipline, and for infusing spirit among our citizen soldiers. It would, therefore be good policy, I think, to encourage their formation. For this

purpose, it is important that the ready means of arming themselves, should be within their reach. And whenever the State, without incurring too much expense, can aid in the attainment of this end, I deem it advisable to do so.

For particulars in regard to the Northern boundary line of our State, the running of which was provided for by the last session of the General Assembly, I refer you to the accompanying report of the Hon. Davis Thompson, the Commissioner in charge of the work. I have nothing to recommend, in addition to what you will find in the report, or will be likely to suggest itself to your minds. I will only remark that I deem it important that the work should be completed at an early day, and the only effectual manner of securing its speedy completion will be to make the required appropriation; an estimate of which is submitted in the report.

In conclusion, I can assure you of my cordial co-operation in every measure for the public good, and my untiring aid in furnishing all the information in my power.

THO'S S. DREW.

Little Rock, Wednesday, November 20, 1844.

REPORT

Of the Commissioner for running the Boundary Line between Missouri and Arkansas,

REFERRED TO IN THE FOREGOING MESSAGE.

The undersigned, Commissioner on the part of the State of Arkansas, under the act to survey and mark out the Northern Boundary Line, has the honor to submit the following statement:

The Commissioners appointed, respectively, on the part of the States of Missouri and Arkansas, met on the 17th day of October, 1843; and, in pursuance of the provisions of law, proceeded to appoint a third Commissioner. The Board being thus complete, a Surveyor was appointed, and the necessary assistants were employed. The true starting point, on the bank of the river Mississippi, was then ascertained, by repeated astronomical observations, and the survey was commenced on the 36th parallel of north latitude; continuing on that parallel, till the line reached the river Saint Francis. Deeming it an unnecessary expense to trace the meanders of the St. Francis, the line being sufficiently marked by nature, the Commissioners proceeded to the point where the parallel of 36 deg. 30 min. intersects the said river; and, that point being carefully established, the survey proceeded west, on the said parallel, as far as Big Black river. Here the weather became very severe, and it was determined to suspend operations, with the

understanding that they were to be resumed, as soon as the subsidence of the spring floods should render it practicable. The death of Gov. DUNKLIN, Commissioner on the part of Missouri, prevented the commencement of operations at the time appointed; and the consequent delay has hindered the further prosecution of the survey, to this time.

It will be perceived that the portion of the line surveyed lies in the low, marshy region, known by the name of the swamp of the Mississippi, Saint Francis, and Black rivers. The difficulty of accurately tracing that part of the line was exceedingly great; and the obstacles thrown by nature in the way of the surveyor, can scarcely be estimated by one unacquainted with the character of the district. The whole country is flooded nearly every spring; and the depressions, whether naturally existing or caused by the earthquakes of 1811, are filled with water, which, having no outlet, stagnates in them till the next annual freshet. The water courses not being confined by banks, spread over a wider or narrower space, according as the season is wet or dry. That portion of the land which is comparatively dry, is occupied either by dense canebrakes or tangled thickets of bushes and briars, requiring much time and labor to penetrate. Some delay was incurred on account of the unfavorable season of the weather, for those astronomical observations, on which the correctness of the line depends. These causes combined retarded the progress of the work, and rendered the part which has been executed, proportionally, much more costly than the remainder will be. An additional expense also arose from the greater number of horses and men required to transport the baggage of the party, through so difficult a country.

The contingent expenses, including the compensation of assistant, incurred during the survey of this part of the line, were \$1,482 24; the moiety of this State being \$741 12. The amount received from the Treasury of this State, in notes of the State Bank of Arkansas, was \$1,000; which on conversion into specie, at that time, realized \$471 62; being an excess of expenditures of \$269 50. The undersigned also received from the Governor of this State, the sum of \$325, in Arkansas Bank notes, which was disposed of at 50 per cent. discount, making, in specie, \$162 50. This sum, being applied to the liquidation of the above balance, leaves still an excess of expenditures of \$107; to meet which, and to defray the State's portion of the incidental expenses, of the remainder of the survey, it is believed that the sum of \$1,000 will be amply sufficient. An early appropriation of that amount is desirable, in order that operations may be resumed, as soon as practicable. It is understood, that the Legislature of Missouri, will, at the present session, make the appropriations necessary on the part of that State.

As each State is equally interested in the establishment of their common boundary, it is evident, that each should pay an equal share of the expense; and such, indeed, is the natural construction of the law, providing for the survey. But if, by the financial arrangements of this State, her portion is payable in the depreciated notes of the State Bank,

while the share of Missouri is paid in gold and silver, or their equivalent, it would seem that Missouri is made to bear more than her just share of her burden. The undersigned cannot believe that this was the intention of the legislature; and he would express the hope that some explanatory provision be appended to the law, or that the appropriations, necessary to carry it into effect, be explicitly made payable in specie.

The undersigned has received a letter from Dr. GEO. PENN, the commissioner appointed by the Governor of the State of Missouri, to fill the vacancy occasioned by the death of Mr. DUNKLIN, requesting the appointment of an early day, for the resumption of the survey. It is therefore desirable that the subject be speedily acted upon.

I have the honor to be, very respectfully, sir, your ob't serv't,

DAVIS THOMPSON,
Commissioner, &c.

To his Excellency THOS. S. DREW.

REPORT

ON THE

CONDITION OF THE STATE BANK.

MR. SPEAKER—The standing joint committee on the State bank, to whom was referred the report of the executive and financial receivers of the principal bank, to the legislature, and the investigation of the present condition of that bank, and the manner in which the officers elected under the act of liquidation, have discharged their duties, having concluded their labors, beg leave to report:

That from the statement A. accompanying the report of the receiver of the principal bank and herewith submitted, it appears, that the several sums of money, turned over by the principal bank and her branches, respectively, as the old assets of the same, and the sums respectively collected by them between the 8th June, 1843, and the 26th October, 1844, together, amount to \$1,266,691 82. The amount paid by the mother bank and each branch, the kind of funds paid,

and the times the same were paid by each, is all fully shown, by the statement above referred to. Within this period, (from the 8th June, 1843, to the 26th October, 1844,) the financial receiver has burned and cancelled \$1,007,762 50, as shown by the certificate of the auditor, secretary and treasurer, and has paid out \$40,412 07, as per receipts and vouchers exhibited to the committee, and in the kinds as set forth in the same statement. Which left on hand, in the bank, on the 26th October last, \$15,112 55, of the special deposit and surplus revenue fund; \$36,780 of the State bank and branch paper, to be burned; \$1,125 23 uncurrent money; \$129,559 01 Real Estate bank paper; and \$35,940 46 in specie. The persons to whom and for what purposes the above \$40,412 07, \$10,142 13 of which was specie, was paid, is all satisfactorily shown in document E., herewith submitted, and made a part of this report. It may be proper here to state, that \$2,900 of the specie was retained by Mr. Crease, for his salary as receiver, and clerk hire, who requests that the auditor's warrant in his favor for \$2,250 00, herewith submitted, may be placed to his credit on the auditor's books, and the \$2,900 charged to him on them.

Since the 26th October, the receiver has paid out, \$6,018 35 of the surplus revenue fund to J. C. Martin, and \$1,000 to Governor Adams, an advance on account of the contingent fund, for the former of which he produced Martin's receipts, and the latter, Gov. Adams' receipts, and Governor's Yell's and Adams' bond, conditioned to pay, in the event that an appropriation was not made to meet it. Since the statement was rendered, the receiver exhibited vouchers for \$15 00 specie, paid to Martin, on account of revenue fund; \$121 80 for sheriff's fees to Messrs. Underhill and Bell; \$288 87 to H. Haralson for clerk's fees; and \$200 insurance on the Anthony House; amounting in all, to \$775 67. He had also collected from the bank of Philadelphia, \$65 29 specie.

Your committee counted \$129,560 of the Real Estate bank paper, \$36,980 00 do., State bank and branch paper to burn; and \$1,125 23 uncurrent money, which sums respectively correspond with those reported. They also found on counting, there were \$35,230 08, of specie, and \$8,094 20 State bank paper, which sums in specie and paper, added to those paid out since the 26th Oct., would produce results, that would correspond with the amount of surplus revenue and special deposit fund, and the specie reported in statement A. On the 26th October, our outstanding circulation was \$172,357 50, embracing all the branches.

In addition to the foregoing, within a few days past, the receivers of the principal bank have received from the branch at Fayetteville \$765 branch paper, and \$950 Real Estate bank paper, from the Arkansas branch, they have received \$5,415 branch bank paper, and \$4,750 Real Estate paper, making \$6,180 branch paper, and \$5,700 Real Estate paper. The bank at this place then, has on hand at this date, \$135,260 of Real Estate paper, and \$42,960 of State bank and branch paper to burn.

The circulation of the principal bank and branches, too, is reduced to

\$166,177 50. Of the notes and bills due the bank, \$245,314 are in suit, and upon which \$25,666 60 have been paid. \$170,593, which are due, and upon which curtail and interest have not been paid nor been placed in suit; but are entitled to a credit of \$6,779 59; and \$120,098 35 have been regularly renewed, and are not due.

The committee has taken a memorandum of the notes, whose drawers and endorsers have been indulged, and no good reason suggests itself to them why the discrimination should have been made.

We have endeavored to place the condition of the principal bank at this time, and the transactions in it, since the assets were turned over to the receivers, clearly before the House, and trust we have succeeded.

Our attention has been directed to the amount of specie on hand at the several branches during the last session of the legislature, and the amounts paid over to the principal receivers, by those branches respectively, since the act of liquidation. We find that about the 1st November, 1842, the branch of the State bank at Arkansas had on hand \$15,096 87 specie, and turned over to the principal bank a short time after, \$5,379 37, leaving \$9,717 30 unaccounted for; at the same time the branch at Batesville reported of specie on hand \$39,825, and turned over to principal bank \$23,529 50, leaving \$16,325 49 unaccounted for; and the branch at Fayetteville reported \$34,609 92 on hand, and only turned over \$17,147 18, leaving \$17,462 97 unaccounted for. What disposition of these several sums, amounting in all to \$43,169 17, very nearly one half of all the specie on hand when the bank and its branches were put in liquidation, has been made by those branches, your committee have no means of discovering; and it is only for them to suggest to the legislature to take such steps as will be most likely to effect such a developement.

It is made the duty of this committee, by a resolution instituting the inquiry to report to this House in relation to the proceedings had at the last sitting held by the board of directors of the principal bank.

It appears, from the minutes of the bank, that on the 15th March, 1843, a meeting of the directors was held, when Mr. Hempstead, attorney for the bank, gave it as his opinion that the power of the board to act in the capacity of directors did not exist; and the board consequently adjourned, without disposing of or acting upon any question which might have been before them. On the 28th of the same month another meeting was held, Messrs. P. T. Crutchfield, E. Dunn, Jno. W. Johnson, H. F. Pendleton, E. Walters, S. H. Hempstead, S. M. Weaver, and C. P. Bertrand forming a quorum. Mr. Hempstead, attorney as well as director, reversed the opinion he had given on the 15th. And the gentlemen above, proceeded, in the capacity of directors, to business.

Their first order was to forward \$500 to New York to prosecute a suit against the guarantors of the N. A. Trust and Banking Company, in favor of the State bank of Arkansas.

It appears that on the 25th Oct., 1842, Mr. Hempstead had presented a claim for extra pay for services rendered the bank in the

supreme court. Mr. Bertrand objected, on the ground that when Mr. Hempstead was elected bank attorney, at a stated salary, it was understood that this salary was the compensation to be allowed for all legal advice and aid which might be required by the bank. A majority of the board agreeing with Mr. Bertrand, Mr. Hempstead's claim for \$100 was rejected and disallowed. At this meeting (on the 28th March,) a motion to reconsider the claim of Mr. Hempstead was carried, and upon reconsideration it was unanimously voted, the board having reversed their opinion also, that Mr. Hempstead, he not voting, be allowed \$500, as extra pay, for attending to suits in favor of the State bank of Arkansas in the supreme court of the State.

In the opinion of the committee, when Mr. Hempstead was elected bank attorney, he engaged, upon accepting the office, to render the bank all the advice, aid, and counsel that her interest might require. If it had been contemplated that Mr. H. was to receive this salary, for specific services rendered in certain courts, those services and those courts would certainly have been enumerated.

The next action of the board was upon an unsettled and long deferred claim of Mr. Bertrand's, for services rendered the bank in attending to the collection of certain debts due the bank in the county of St. Francis, and the adjoining counties. Mr. Bertrand's services were rendered under an appointment dated 28th Sept., 1841, and having failed to have his claim adjusted until the 28th March, 1843, he was fortunate enough to have an order passed, by unanimous vote of the board, on that day, that he should receive \$10 per diem for every day that he was engaged in this service.

Next the board ordered, that on a protested bill drawn by Mr. Walters in favor of the bank for \$2,500, which was drawing 10 per cent., the interest should be stated to 7 per cent., making a difference of \$75 on the whole amount of the bill in favor of said Walters every year.

The directors then, in their excessive good humor, considered a certain claim of Maj. Wm. Field, in relation to which some explanation is necessary.

During the session of the last legislature, at the instance of Maj. Field, that legislature deliberated on the propriety of employing him to go on to New York for the purpose of establishing a claim against the guarantors of the N. A. Trust and Banking Company, before alluded to. The subject was introduced in the House of Representatives, we think, and referred to a committee; which committee agreed to allow Mr. Field \$1000, to go on to New York for the purposes above stated. The legislature not agreeing with the committee, as to the amount to be allowed Mr. Field, passed a law to give him five hundred dollars.

Maj. Field having drawn the \$500, proceeded to the east, and upon his return, or prior thereto perhaps, drew on the bank for a sum of less than \$500, stating that a committee of the last legislature had agreed to allow him that sum of \$1000, only \$500 of which he had received, and at the same time stated he would take the same in Arkansas money, at the rate of 3 to 1. His draft on the cashier of the bank was protested, and on this memorable 28th March, 1844, he again

demand of the board of directors, then in session, to pay an order to the effect that he be paid the \$500 in specie, as claimed by him. That board (Messrs. Bertrand and Dunn voting in the negative,) voted him the money. There being not that much specie on hand, it was ordered that he be paid \$175 in specie, and \$325 in Arkansas money, allowing the Arkansas money to be paid at the rate of three to one.

The cashier or financial receiver declined paying Maj. Field the sum of \$1150, and by common consent suit was brought against him in a note drawn by him in favor of the bank, and then due.

Mr. Hempstead, acting as attorney, instituted suit against him, and Field, pleading the order of the board of directors of the bank as an offset against the bank's claim against him, the court decided in his favor, and the bank was cast. There rests the matter at this time.

Admitting Mr. Field to have been entitled to the \$500 per the order of the board giving him three dollars of Arkansas money for one of specie, was a most profligate and unjustifiable one. Not admitting this, however, ourselves, we leave the House to judge of the merits of the case for itself.

Again, assuming that the board was a legal and lawfully constituted body, at the time these orders were passed, the State, however much her interests were outraged and disregarded, would have no remedy.

But your committee are far from allowing this. They are unanimously and clearly of opinion that if all the power and authority of the directory did not cease when the bank was put in liquidation, there can be no doubt of the fact, that they had no more right to exercise any dictatorial power or authority on the 28th March, 1843, than they have to exercise the same power and authority at this time.

The act of liquidation took effect from and after the 10th February, 1843. After that time it was a law, having full force and effect. No where in that law is a directory recognized. And all laws contrary to its provisions, were by it, repealed. Then we would ask, from what law or source can they receive the sanction of their proceedings as a directory, on the 10th Feb., 1843. The 7th section of this act says: "That the executive and financial receivers of the principal bank and each of its branches shall constitute a board, for the management and control of the business of the respective bank or branch under their immediate charge." Here was the board provided, by the law in force, when this board was sitting, to adjudicate the claims of all individuals who might have them to prefer against the bank.

The committee, then, deem it a duty, they have no right to decline to recommend to the legislature, the adoption of such measures as may be necessary to recover the \$500 allowed Mr. Hempstead.—The interest abated on Mr. Walter's note—the compensation allowed Mr. Bertrand, amounting to \$1,110 00, in addition to \$171 50 in specie, and \$65 00 Arkansas money, allowed him for travelling expenses, for 74 days services rendered the bank. How the \$1,110 00 were produced from 74 days services at ten dollars per day, is necessary to be explained. On the 28th March, 1843, Mr. Bertrand charged

50 per cent. on the \$740 due him after his return from his last mission, for the depreciation in the Arkansas money from the time he first presented his account to the time the same was allowed; notwithstanding during all this time he had in his possession \$1,131 80 of the bank's money collected while he was on this agency, and not one dollar of which he paid over until his account was allowed on the 28th March, 1843, as above stated, (as per minutes of bank and his account herewith submitted,) and the \$1,150 00 voted Mr. Field. Because this last was for alleged services, which so far from being of any benefit to the bank, were the prelude and inducement to other expenditures equally unavailing to the bank.

A question by a gentleman of this place propounded to a member of the committee, caused an enquiry into the disposition made of the interest charged upon delayed payments of curtail and interest. We found that the interest so charged and collected was invariably placed to interest account on the books of the bank.

That part of the Governor's message, recommending that longer indulgence than the act of liquidation provides for, should be given to the debtors of the bank, has received the serious consideration of the committee, but does not meet with their approbation. Common every day experience teaches us, that the longer a man owes a debt, the weaker the obligation he feels to pay it, and it is to be feared that at every succeeding legislature as good causes should be shown for a protraction of payment, by the debtors of the bank as at the present, or until nothing short of repudiation itself would satisfy them. Whatever measures may be adopted to facilitate the winding up of the bank, and to save expense and make the debts more secure, we think it desirable to abstain from any alteration of the time within which the law provides it shall be done.

It is shown in the preceeding part of this report, that the circulation of the State bank and branches, amounts at this time to \$166,177 50.

It appears to your committee, to be the first duty, as it was the highest obligation of the bank, to relieve our people from the curse of such a circulating medium, and our State from such a revenue as Arkansas bank paper.

To the accomplishment of this object, it is essential that the legislature declare a complete and entire divorce between the State bank and the Real Estate bank, that the paper of the latter be no longer received for the debts due the former, or its branches; nor for any dues to the State whatever.

It appears to us that nothing could be more unwise or impolitic, than for the State to discharge in her own bank paper at the rate of 2 for 1 any claim against her, as long as there is one dollar of specie in the vaults of the bank, or any of its branches. This, in some instances, has been done.

If the legislature does not adopt some system by which the officers of the State, of every description will be paid in some other currency than our own bank paper, it must be evident to every one that we will only cease to collect our revenue in this description of money,

when by the flowing and ebbing of this paper into and out of the treasury, it is literally worn out. Because no State should collect more revenue than is necessary to defray the expenses of its government, economically administered, and consequently all that is collected will be paid out, and if in kind, in Ark's money.

The \$135,260 00 in Real Estate money, found by your committee to be in the principal bank, we would recommend to be exchanged for the bonds of the State, or for State bank paper. Our bonds are drawing interest, while this Real Estate money is not.

In conclusion, we beg leave to state that the financial receiver has afforded every facility, rendered every aid, and made every explanation, necessary to the understanding of the condition and situation of the bank, by your committee, and the manner in which he has kept his books, which bear upon their face an elaborate, clear, and most satisfactory account of all the moneys received and paid out by him, and of every other transaction to which any reference has been necessary, as well as the manner in which he has discharged every other duty connected with his office, cannot be too highly commended.

A. RUST, *Chairman*
House of Rep's.

H. SMITH, *Ch'n Senate.*

M. T. SCOTT,
JOHN D. STEELE,
JOHN BILLINGSLY,
M. B. McCOY,
ELISHA BURKE,
WM. W. FLOYD.

ANSWERS

OF

J. H. CREASE,

TO INTERROGATORIES PUT TO HIM BY CHAIRMAN
OF THE COMMITTEE ON BANKS, UPON THE SUB-
JECT OF C. P. BERTRAND'S AGENCY, &c.

To the several interrogatories, this deponent answers—

That Mr. Bertrand's first appointment as special agent for the bank, was made by the board of directors at their meeting on 28th September, 1841, (as per their minutes of proceeding.) That he started on his mission the following day, and returned on 25th October.

That on 23d November, of same year, he was again appointed by the board "to proceed immediately to the counties of Monroe, St. Francis, Crittenden, Phillips, Mississippi and Desha, there to take such steps as his own judgment shall suggest, to secure all the debts due this bank in that vicinity, and for that purpose full and ample power and discretion is given him to commence suit either by attachment or otherwise, to settle with and compromise any claim, or to receive any species of property in place of money, where in his judgment the solvency of the debtor may be doubtful."

That Mr. Bertrand does not appear to have started on this latter mission until 21st or 22d December, 1841, and returned 6th of February following.

That Mr. Bertrand's appointment was induced by rumors reaching the board, of a disposition prevailing with many of the bank debtors, to evade payment of their debts.

On the 2d November, 1841, Mr. Bertrand made a written report to the board of his proceedings, and that during his absence he advised by letter, from time to time, whenever any circumstance rendered it necessary.

This deponent cannot precisely define the consequences resulting from Mr. Bertrand's agency, but is aware that a very large amount of notes, &c., were placed in his hands, that he collected himself \$1,135

84 in cash, and renewed several notes, and doubtless many others were put in *action of settlement* by Mr. B. that were not consummated until after his return, but the bank books do not enable me to designate between notes renewed under ordinary operation, and those renewed through, or in consequence of, Mr. Bertrand's interference.

That while in Phillips county (during his first mission) Mr. Bertrand issued attachment for 12 or 15 negroes, chiefly belonging to one Peter W. Gilbert, who is the security of Jno. C. Johnson, upon his indebtedness of \$5,000, and (as this deponent understands) at the first term of the court the trial was continued on application of the defendant, and at the next term Mr. J. C. P. Tollison (the attorney employed to represent the bank) being absent—as he alleges “sick at New Orleans”—and no other person appearing to prosecute the attachment, the suit was dismissed; and among other expenses, judgment was issued in favor of Miller Irvin, sheriff of Phillips county, for upward of \$100, for costs and for board of negroes while under attachment; that said claim has been resisted by the bank attorney until the present time, but that the sheriff of this county has levied upon the banking house to satisfy said judgment, tho' not sold in consequence of no person bidding two-thirds of its valuation; the supreme court here partially delayed further proceeding, but as this deponent cannot give a clear exposition thereof, he respectfully refers to Col. Hempstead, the bank attorney, for further particulars.

The amount furnished Mr. Bertrand to defray travelling expenses, was advanced at the time of his leaving home, but no entry or settlements made until after his return, when the stock amount expended was ascertained; the bank teller holding Mr. B.'s receipt for the sum advanced, *as so much cash*, until the first entry could be made. The total amount of his travelling expenses paid and charged, was \$236 50, of which sum \$171 50 were paid in specie, and \$65 in Arkansas bank notes.

Copy of Mr. Bertrand's bill of compensation for services, is rendered herewith and marked A., amounting to \$1,110, and was settled as follows:—(on 28th March, 1843,)—viz :

Amount collected and retained by Mr. Bertrand,	\$1,131 84
Cr. By allowance as compensation for services,	1,110 00

Balance received in cash and int., 29 March, 1843,	\$21 84
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“At a meeting of the directors, 8th February, 1842, Mr. Bertrand (after his return from last mission) stated to the board that Jno. C. Johnson proposed to place into the possession of this bank, to secure the payment of his indebtedness, six negroes, provided the bank would release the attachment against himself in St. Francis county, and the attachment against Peter W. Gilbert, as his security, in Phillips county, and also advance the sum of about \$400 to release two of said negroes from pre-existing leins. Mr. Bertrand advised the acceptance of said proposition, and gave it as his opinion that the negroes attached as the property of Gilbert, upon a trial at law, would be re-

leased; thereupon the board agreed to accept said Johnson's proposition, and appointed Henry M. Rector, Esq., to carry it into effect, and also requested that Mr. Bertrand would prepare the necessary instruction for the agent, Mr. Rector."

Which letter of instruction was duly prepared, and copy of which is also hereto annexed, marked B.

The amount of cash expended by Mr. Rector, on account of the bank, was \$617 60, (exclusive of compensation,) viz:

Specie paid A. G. McDaniel, to release a previous lein on negro boy Abraham,	\$327 28
Paid clerk for recording McDaniel's deed,	2 28
Paid J. W. Gilbert, for service rendered,	8
Paid sheriff Halbert for costs of two attachments sent out of circuit court 16th Oct., 1841, vs. J. C. Johnson,	35 35
Specie placed by Mr. Rector in hands of J. C. Johnson "for redemption of negro boy now at Napoleon,"	100
Cash paid, amount Mr. Rector's travelling expenses,	63 56
Cash paid Mr. Rector for purchase of a horse used to bring over negro to this place, \$81; which horse was afterwards sold for \$100 in Arkansas money and credited to J. C. Johnson in part of the foregoing expense,	81 00
	\$617 50*

To which allowance made Mr. Rector for 25 days service at \$10 per day,	250 00
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Total,	\$867 50
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Which was settled by amount cash advanced to him in specie \$551, notes \$75, is \$626

And the balance placed to his credit on books of the bank, to face a deficiency in his cash account, when acting as teller,	241 50
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		\$867 50
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Mr. Rector brought home with him the boy Abraham, (redeemed from McDaniel,) also one negro man named Isaac, one woman named Tana (wife of Isaac,) and an *infant* child, that died shortly after its arrival. The man Isaac and Tana his wife were hired out for a short time (under order of the board of directors,) and proceeds credited to account J. C. Johnson, in part above expenses; after which, as this deponent understood, they were attached by Messrs. Trapnall & Cocke, as attorneys for R. C. Byrd, and sold by the sheriff of Pulaski—the proceeds to abide decision of the court—and at which time this deponent understood that Mr. Rector surrendered the boy Abraham.

The sale arising out of Mr. Byrd's attachment, and the subsequent trial for right of property, having been chiefly conducted by the president, S. M. Rutherford, and the bank attorney, Col. Hempstead, this

*\$100 rec'd for sale of horse, and credited to this account.

deponent is unable to give any satisfactory statement thereof, and respectfully refers the committee to Messrs. Rutherford and Hempstead, for full information.

No avails, however, have yet been paid into bank for either of the negroes, neither did Mr. Johnson produce the boy at "Napoleon?" or refund the \$100 advanced "to redeem him," but alleged that "the boy had been run off by a Mr. Hibbard."

The subject of Mr. Bertrand's compensation was first presented to the board at a meeting 15th February, 1842, at which was present the following directors, viz: Messrs. Caldwell, Reardon, Gilchrist, Dunn, Thorn, Weaver, Rutherford, Hempstead, Walters, Crutchfield, and Bertrand, with Wm. Field as president, when in addition to \$236 50 (the sum actually expended for travelling expenses,) it was "agreed that he be allowed the sum of \$525 in Arkansas bank notes, being compensation for 75 days service, at seven dollars per day—but which note of allowance was declined by Mr. Bertrand—who claimed \$10 per day. The subject came before the board two or three times afterwards, at one of which meetings a committee of three was appointed, who reported (say on 5th April) recommending an allowance of the \$10 per day, but which was not adopted, and no final action took place until the 28th March, 1843, as previously stated.

To the enquiry in regard to the claim of Messrs. Hempstead and Johnson, this deponent answers:—That a bill from Messrs. Hempstead & Johnson of \$100 for attending *two* cases, in the supreme court, was presented to the board on 11th October, 1842, laid over, and acted on upon 25th October, in the following words:

The bill of Messrs. Hempstead & Johnson for \$100, laid over at the last meeting, was brought up for settlement, whereupon Mr. Bertrand objected to its allowance as a charge for extra service, on the ground that the salary paid by this bank to the attorney, was supposed to embrace all cases within this district; but in consideration of the depreciated value of Arkansas money, Mr. Bertrand moved that the salary of the bank attorney be increased to \$600 per annum, and that said increase take date from the 1st day of August last, and which motion was unanimously adopted." The directors present at this meeting, were Messrs. Reardon, Bertrand, Weaver, Dunn, Crutchfield, Gilchrist, Walters, Pendleton, and Hempstead, S. M. Rutherford president.

On the 14th November, 1842, Messrs. Hempstead & Johnson presented a claim to the general board (then in session) of \$900 for attending 18 cases in the supreme court—of which 10 cases proved to be for account of the branches, and 8 for the principal bank; whereupon the general board directed the several branches to pay for the cases in which each was interested, but resolved that inasmuch as Messrs. Hempstead and Johnson are the regularly appointed attorneys of the principal bank, this board decline any action in that case, but refer said attorneys to the directors of said institution for settlement. The general board consisted of the presidents of the principal bank and branches, viz: Messrs. S. M. Rutherford, Samuel Mitchell, D. W. Lowe, and W. L. Wilson.

COPY.

Dr.

\$1,110 00

Signed,

MARCH 29th, 1843,

J. H. CREASE,
late cashier State bank.

OFFICE OF THE RECEIVERS OF THE STATE BANK, }
at Little Rock, 11th November, 1844. }

To the Hon. Speaker of the House of Representatives:

We have the honor of transmitting herewith a full statement (marked A.) of all moneys placed in our hands and collected by us since the act of liquidation, particularly showing the amount and kind of money received and for what account:

Also statement (marked B.) showing the amount of bank notes now in actual circulation from the issues of the principal bank and branches of the State bank:

Also statement (marked C.) showing balances on receiver's ledger, giving a condensed view of their operations while in office, and of the cash and other assets now on hand.

In the balance of cash on hand will be perceived the amount of 11,25 23 in uncurrent bills: We also learn that a further amount of this description of paper remains in the hands of the receivers at some of the branches, which being depreciated below the value of Arkansas bank notes, the officers solicit instruction and authority for its disposal.

No general exhibit has been rendered to this office from any of the branches, and we are without further statements from them than the statements of moneys received for collections, for which we have receipted and accounted in the statement herewith (marked A.)

Detailed statements of everything relating to the outstanding State bonds and the interest due thereon having been rendered to the auditor, and very fully exhibited in his report, and the same not having caused or produced any action from the undersigned in their office as receivers, a further mention of them here has not been deemed requisite. Full details will be given, and vouchers for expenditures exhibited to such committee as the legislature may appoint to examine the bank.

We have the honor to be

very respectfully your ob't serv'ts,

WM. FIELD, *Executive Receiver.*

J. H. CREASE, *Financial Receiver.*

STATEMENT of Cash, exhibited to the Committee on Banks :

The committee on banks, upon examination of the cash in hands of receivers of State bank at Little Rock, have found—

In Real Estate bank notes,	\$129,560	
To meet the amount reported of		\$129,559 01
In notes of the State bank and branches, <i>to be burned</i> , as reported,		36,780
In notes of do., (\$910,) to meet the balance reported due to depositors,		909 20
And to meet the balance of (\$14,203 35) "surplus revenue fund on hand, 26 October last," they find in notes, (branches of State bank,)	7,185	
In bond and receipt of Governors Yell and Adams, for an advance on account contingent fund,	1,000*	
Jared C. Martin, treasurer, receipt for payment made to him since 26th October, viz:		
Receipt, dated 7th Nov., 1844, for	\$3,018 35	
do 12th do do	1,000	
do 18th do do	2,000	
	6,018 35	
		14,203 35
And in Missississippi bank notes and corporation certificates, (being assets turned over to the receiver,) they find, as reported,		1,125 23
Making the total amount in notes and receipts,		182,576 79
The balance of specie reported on hand per statement, 26th Oct., 1844, was	35,940 46	
To which receivers add an amount collected from Philadelphia Bk., on order for branch at Arkansas, (in part of insurance,)	65 29	
Total,		36,005 75

To meet which, the committee find, viz :

Specie in the vault, 35,230 08

And vouchers for the following disbursements

of cash, made *since* the 26th Oct., viz :

Nov. 22, 1844.—J. C. Martin, treasurer,

* This \$1000 was advanced to Gov. Adams, to prevent stopping the operations of Government, in consequence of a deficiency in the appropriation for "contingent expenses;" and Governors Yell and Adams gave their individual bonds to pay the money, if appropriation was not made by the present legislature.

receipt on account of surplus revenue, Nov. 22, 1844.—Geo. W. Underhill, sheriff, fee-bill, (Crittenden,)	15	
Dec. 3, 1844.—H. Haralson, clerk, fee-bill in full,	114 80	
Dec. 3, 1844.—Eli Bell, sheriff of Craw- ford, fees,	288 87	
Dec. 3, do.—J. H. Crease's receipt for fire wood furnished the bank, and porter's services for 1843 and 1844,	7	
	150	
		575 67
		35,805 75
The receivers also exhibited receipts for premiums advanced by them, (the propri- etor, P. Anthony, being out of the State,) to secure insurance upon \$10,000 fire, on the Anthony House for one year, ~~\$5~~ the bank holding deed of trust on said prop- erty; but which sum so advanced is to be repaid by said P. Anthony upon his return home,		
	200	
Amount reported,		
		36,005 75

STATEMENT A.

EPITOME OF CASH ACCOUNT, from Books of Receivers of State Bank, being exhibit of the whole amount and description of money, which has been paid into the office of the receivers of the principal Bank at Little Rock, from the passage of the Act of Liquidation, up to the 26th day of October, 1844, inclusive.

FROM WHOM AND ON WHOSE ACCOUNT RECEIVED.				State Bank Special Deposites.	And Branches to burn.	Uncurrent money.	Real Estate and Change.	Specie.	Total Receiv- ed.	
Amount of funds withdrawn to meet certificates of special deposits issued by Cashier of State Bank,				\$ 2672 20						
Assets of principal Bank set apart to meet surplus revenue.				42,185						
do. for balance of assets of principal bank, turned over 9th June, 1843,					\$529, 770	\$ 912 85	\$ 13,900		\$ 589,790 29	\$ 2,672 20
do. balance of account collected from Real Estate bank at Washington,							1,624 60		1,624 60	
1st Report Receivers of State bank collecting from 9th June to 8th October, 1843, inclusive,					10,440		21,951 36		32,391 36	
2d. do. do do 9th October, 1843, to 8th February, 1844,					9,980		9,497 10		19,477 10	
3d. do. do do 9th February, 1844, to 8th June,					8,905		11,370 86		20,275 86	
4th. do. do do 9th June, 1844, to 8th October,				on hand	6,215		5,850 13		12,065 13	
5th. do. do do 9th to 26th October, inclusive,				do	1,920		1,535 25		3,455 25	\$ 676,079 59
BRANCH AT ARKANSAS—Assets of old concern turned over to Receivers,					84,990	237 38		5,379 37	\$ 90,606 75	
do Received in Real Estate bank certificate of deposit \$3,000, and interest				\$309 29—\$3,309 29					1,575	
Deduct Arkansas bank certificate to Notrebe, taken in part by their written assent,				\$1,734 29			1,575		18794 09	
1st Report Receivers at Arkansas, collections for 15th June, to 14th October, 1843, inclusive,					7,050		11,740	4 09	7,445	\$ 118,420 84
2d do do from 15th October, 1843, to 15th February, 1844,					3,765		3,680			
BRANCH AT BATESVILLE—Assets of old concern turned over to Receivers,					142,175		16,350	23,529 51	\$182,054 51	
1st Report Receivers do for collections from 1st July to 28th November, 1843, inclusive,					3,380		3,300		6,680	
2d do do from 28th November, 1843, to 15th March, 1844,					595				595	
3d do do from 15th March, 1844 to 18th July,					925				925	\$ 190,254 51
BRANCH AT FAYETTEVILLE—Assets of old concern turned over to Receivers.					194,750		41,740	17,147 18	\$253,637 18	
1st Report Receivers, collections from 21st July, 1843, to 21st March, 1844,									25,677 50	\$279,264 68
The fraction in State bank money, arises from one half of a \$5 note being received,					11,037 50		14,590			
Amount of Real Estate bank paper exchanged for State Branch banks,				\$44,857 20	\$ 1,015,897 50	\$ 1,150 23	\$158,704 30	\$46,082 59	Amounting to	1,266,691 82
					28,655		28,645			
Total amount of cash expenditures and bank notes burned, as per cash book and vouchers to be exhibited,				\$44,857 20	\$ 1,044,542 50	\$ 1,150 23	\$130,059 30	\$46,082 59	Total.	1,266,691 82
				\$29,744 65	1,007,762 50	25	500 29	10,142 13		1,048,174 57
Balance on hand.				\$15,112 55	\$36,780	\$1,125 23	\$129,559 01	\$35,940 46	Do.	\$218,517 25
Balance cash brought down, namely:										
To pay balance, certificate of special deposit,				\$909 20						
Balance reserved for surplus revenue,				14,203 35	15,112 55					
Notes of State bank and branches				6,215 00						
remaining, to be cancelled and burned,				1,920 00						
				28,645 00	36,780 00					
In uncurrent bank notes and tickets,				1,125 23						
In notes on the Real Estate bank and branches,				129,559 01						
In specie,				35,940 46						
				\$218,518 25						

RECEIVER'S OFFICE, STATE BANK, AT LITTLE ROCK,
28th October, 1844.

J. H. CREASE, Financial Receiver,

STATEMENT B.

Statement showing amount of Bank Notes issued and burned, up to 30th September, 1844, also amount of notes on hand remaining to be cancelled and burned, up to 26th October, 1844.

	Prin. Bank. Little Rock.	BRANCHES OF THE STATE BANK.			Total.
		at Fayetteville.	Batesville.	Arkansas.	
Amount of notes issued,	\$532,000	\$353,445	\$191,455	\$140,000	\$1,216,900
Amount burned, up to 30th September, 1844,	529,815	232,972 50	145,270	99,705	1,007,762 50
Amount outstanding on 30th September, 1844,	2,185	120,472 50	46,185	40,295	209,137 50
1844, Oct. 26, Amt. of notes on hand rem'ng to be burned	40	20,975	6,890	8,875	36,780
Balance outstanding on 26th Oct. 1844.	2,145	99,497 50	39,295	31,420	172,357 50

*Note—The fractional sum of \$2 50 was caused by burning *half* of a five dollar note.

The amt. of notes on hand 26th Oct. was derived from the following sources:	Prin. Bank.	Fayetteville.	Batesville.	Arkansas.	Total.
Receivers State Bank 4th Report to 9th October, 1844.	\$40	\$4,030	\$355	\$1,790	\$6,215
do. do. 5th do. 26th do. do.		715	305	900	1,920
Exchanged for Real Estate bank notes at sundry times,		16,230	6,230	6,185	28,645
	40	20,975	6,890	8,875	36,780

OFFICE OF THE RECEIVER OF STATE BANK, }
at Little Rock, 28th October, 1844. }

J. H. CREASE,
Financial Receiver.

STATEMENT C,
Exhibit of balances, and condensed view of cash and other assets, to 26th October, 1844, inclusive.

DR.

Assets principal bank for balances of individual assets, transferred from bank ledger pr. inventory, and credited by Receivers, to the several parties, as cash, towards subsequent settlement of their debts, pr Journal, folios 66 to 74,

Dr. \$34,571 64
 Cr. 2,516 04

32,055 60

Deduct error in acc't E. L. Johnson, pr, Journal, 117,

65 00

\$31,990,60

State House fund deposit, paid to Gov. Yell, pr. receipt,

225 35

Surplus revenue, paid to J. C. Martin, Treasurer, as pr. statement, to 30th Sept., 4,201 85, specie, 27,981 65, notes,

32,183 50

Paid, do., pr. receipt, 19th Oct., in specie, on new account,

281 00

Accounts at law, for payments on that account to clerks, sheriffs, &c., as per ledger and cash blotter,

2,544 52

3,233 03

General expenses, paid per do., and per do.

Bills and notes, acc't, being the full amount on hand as per ledger, leaving the payment (of 25,700 38, as opposite) remaining to individual account, until the notes are settled or renewed.

535,382 70

Bank notes cancelled or burned, as per certificates of Auditor, Treasurer and Receivers,

1,007,762 50

Balance of cash on hand, viz:

Branch bank notes, to be burned,

36,780 00

do. reserved on account, surplus revenue, being balance of 42,185, set aside, and 27,981 65, paid,

14,203 35

do. to pay balance certificates, deposit,

909 20

In notes of the Real Estate bank and branches,

129,559 01

do. Mississippi, and other uncurrent bills,

1,125 23

218,517 25

In specie,

35,940 46

1,832,120 45

CR.

Balances now standing to credit of individuals in ledger, being payments, *in part*, of notes, &c., in suit or unrenewed, and which embrace part of the opposite entry of \$31,990 60, of balances transferred from old bank books as per list, being \$25,807 04, but balance of ledger, deducting general accounts, being

\$25,700 38

Certificates of special deposit, remaining unpaid, viz:

Issued 2,672 20, paid 1,763,

909 20

Assets of principal bank, turned over 9th June, 1843, viz:

In cash, 529,770 and 57,020 29,

\$586,790 29

In bills and notes, per list,

582,478 58

In balance account collected from Real Estate Bank, Washington.

1,624 60

1,170,893 47

Assets of branch at Batesville, received as per cash exhibit A.

190,254 51

Old balance due by Batesville branch, for Trapnall & Cocke's check, collected and included in Receiver's receipt,

496 92

190,751 43

Assets of the branch bank at Fayetteville, received as per cash Exhibit A.

279,264 68

Assets of the branch bank at Arkansas, per do.,

118,420 84

Interest account, realized as per ledger, from individuals in settlement and renewal of notes,

46,180 45

Dols. 1,832,120 45

RECEIVER'S OFFICE, STATE BANK, }
 at Little Rock, 28th October, 1844. }

J. H. CREASE,
 Financial Receiver.

STATEMENT D.

EXTRACTS FROM THE MINUTES of the proceedings of the Board of Directors of the bank of the State of Arkansas, at Little Rock, referred to in the answers of J. H. Crease, hereto annexed.

At a meeting of the board on Tuesday, 28th March, 1843, the following members being present, viz :

P. T. Crutchfield, Edw. Dunn, Jno. W. Johnston, H. F. Pendleton, Ebenezer Walters, S. H. Hempstead, S. M. Weaver and C. P. Bertrand.

The president (S. M. Rutherford) being absent, P. T. Crutchfield was chosen president *pro. tem.* The following letter was handed in by Col. Hempstead :

Little Rock, 27th March, 1843.

To the President and Directors

of the bank of the State of Arkansas :

GENTLEMEN—In the month of December last, I was appointed by the General Assembly of the State of Arkansas, as an agent on the part of the bank of the State of Arkansas, to go on to the city of New York, to aid the attorney of the bank in the prosecution of the suit against the guarantors of the North American Trust and Banking Company. By agreement with the legislature, I was to be paid for the service the sum of one thousand dollars in specie, by the bank, five hundred of which was to be advanced at the time I left, and the residue to be paid on my return. I was under the necessity of drawing upon the cashier, whilst in the east, for \$175, in favor of Gov. Fulton, to enable me to meet the balance of my expenses, and return home. I learned yesterday, that the cashier (Mr. Crease) had, from some cause or other, declined paying it. I must, therefore, appeal to your board for relief. The residue of my compensation, I also wish, for the purpose of converting into Arkansas money, to pay on my indebtedness in bank. I can procure the paper at 30 to 32 cents in the dollar, and will apply it forthwith in that manner, or it will answer me just as well to cancel my paper at that rate. I have no earthly doubt of the power and authority of the board, over this subject. It was never contemplated by the legislature to make it a State debt, or why not have made the appropriation of funds out of the treasury? I would not have troubled the board with the subject, (as the receivers will shortly take possession,) but from the fact that Judges Fulton and Cross are in want of the \$175, and I am unable to raise the specie from any other source at present. I therefore trust that you will order its payment. I have established the claim as far as can be at New York; it now turns altogether upon legal points, which will not be decided for some months. Your ob't serv't,

Signed,

WM. FIELD.

Which letter having been read, it was moved that the sum of \$500 in specie, be allowed to Col. Field, as a compensation for his services in addition to the \$500 already advanced to him under the order of the legislature, and the question for such allowance being put by the chair, Messrs. Bertrand and Dunn voted in the negative, and desired

to have their dissent spread on the journal, which was admitted; the other members present having all voted in the affirmative, it was

Resolved, That the said sum of \$500, in specie, be allowed and paid.

On Thursday, 30th March, 1843, the following document was handed, with a request from Col. Field, that it might be placed on the journal or minutes of the board, and which is accordingly done, viz:

To JOHN H. CREASE, *cashier of the bank*

of the State of Arkansas, at Little Rock:

SIR—At a meeting of the board of directors of said institution, on the 28th of March instant, the proposition of William Field was before said board for his compensation, as agent of said bank, appointed by the legislature to proceed to New York, and aid in the prosecution of the suit of this bank, against the guarantors of the North American Trust and Banking Company, wherein he claimed a residue of five hundred dollars, in specie, for said services. The board of directors, after deliberating on the subject, ordered and directed that the cashier of said bank should pay to the said Field, one hundred and seventy-five dollars, in *specie*, and that he should cancel or credit upon the said Field's indebtedness in said bank, the value of three hundred and twenty-five dollars, in specie, converted into Arkansas money, at the rate of three dollars for one, that is to say, the three hundred and twenty-five dollars, in specie, to entitle him to a credit on his indebtedness, for nine hundred and seventy-five dollars, which the board intended should be spread upon the records of the bank. You are, therefore, as cashier and secretary of said board, required to enter the order as herein stated. March 29th, 1843.

Signed,

S. H. HEMPSTEAD,
JNO. W. JOHNSTON,
E. WALTERS,

C. P. BERTRAND, { or pay the specie
instant.*

HENRY F. PENDLETON,
S. M. WEAVER,

I was president, *pro tem.* of the said board, and the order of the said board was as herein above stated, and I join with the above named members of the said board, in saying, that it is the duty of the cashier, and that he is absolutely required to comply with the order of the board as herein above stated.

Signed,

P. T. CRUTCHFIELD.

True copy from the minutes.

J. H. CREASE, *late cashier and secretary.*

At the meeting of the board on the 28th, March, 1843, the same members present as recited in the foregoing copy of minutes, the following preamble and resolution were unanimously adopted:

*Additional note to C. P. Bertrand, as follows:

"This was certainly the order and direction of the board, and upon that point, I am only called upon to speak, as I was opposed to the appropriation, upon the ground that the bank had no control over the subject.

Signed,

C. P. B.

Whereas, The officers of this bank, since the suspension of specie payments on the part of the banks of this State, have received and taken the paper of these suspended banks, which is now only worth 33 $\frac{1}{3}$ cents upon the dollar, in payment of their salaries; and whereas, additional duties have been imposed upon them: Therefore,

Be it resolved, That each of the officers of this bank be permitted to draw, *in specie*, his salary from the 1st of March up, and until the time when the bank shall pass into the hands of receivers, and their official services shall cease.

True copy from the minutes.

J. H. CREASE, *late cashier and secretary*.

STATEMENT E.

RECORD OF CASH paid out by the receivers of the State bank, from 9th June, 1843, to 26th October, 1844, inclusive:

		Specie.	Notes, &c.
Paid for advertising first "notice to debtors," as prescribed by act of liquidation, viz:			
Batesville News, -	\$23 87 $\frac{1}{2}$		
Washington Telegraph, -	20 00		
Helena Journal, -	20 00		
Arkansas Intelligencer, -	20 00		
Arkansas Gazette, -	19 00		
		102 87 $\frac{1}{2}$	00 00
Paid Gazette for furnishing one ream bank notes, -		10 00	
Bates and Co.'s bill for books and stationery. - -	14 62		00 00
Jonas Levy do. \$10, Lazarus \$13 45, - - -	23 45		
Woodruff \$7, Fitzgerald \$1 25, Samuels \$2 40, Isaacs \$7,	8 25 9 40		
		55 72	00 00
Paid Borden's bill for printing 1 ream of letter notices for "renewal of notes," and furnishing paper, - - -		10 00	00 00
Paid C. J. Krebs for candles, B. Williams postage account from 1st Jan. 1843 to 1st Jan. '44, Editor of the Banner for advertising 2d notice to debtors, Editor of Gazette, do. do.		9 60 47 15 10 00 10 00	00 00 00 00 00 00 00 00
Amount forward, -	\$158 59 $\frac{1}{2}$	\$255 34 $\frac{1}{2}$	

		Specie:	Notes, &c:
Amount brought forward, -	\$158 59½	\$255 34½	00 00
Corporation tax on banking house for 1844, in corporation notes, - - -			25
Paid expenses on Real Estate banking house, viz:			
John Robins for repairing pave- ment, - - -	6 00		
John Smith, repairing tin roof,	3 50		
Bradbury, removing nuisance & paving alley, - -	9 20		
John Robins, raising and under- pinning trimmers to fire place, (rotted and fallen in), -	7 00		
Shaw, Herchell and Beck, car- penter repairs to house,	10 62		
Anneer & Smith, repairs to pump,	4 62		
		40 94	
B. Williams, post office bill for postage on letters, &c., from 1st Jan. to 30th Sep. 1844,		11 74	
Accounts at law—paid following expenses:			
A. Pike, retaining fee for advice and assistance in suit vs. N. Am. Trust guarantors, -	100 00		
David Greer, cost of copy of constitution, same -	11 10		
A. H. Rutherford, for certified list of bankrupts, use of self and branches, - -	6 00		
L. R. Lincoln, clerk's fee bill, \$269 01; say in specie, -	100 00		169 01
E. Carely, sheriff of Hot Spring, fees and expenses of Mr. Care- ly, - - -	13 67		
Do. for fees on writs issued by receiver, - - -	10 13		
Gaines, sheriff of Chicot, do.	27 05		
Jackson, " Sevier, do.	13 17		
Bowen, " Mississippi, do.	5 05		
Halbert, " St. Francis, do.	54 07		
Murray, " Conway, do.	49 61		
Huddleston, " Pike, do.	7 45		
Irvin, " Phillips, do.	27 74		
Smith, " Clark, do.	30 15		
Hammet, " Jefferson, do.	22 72		
Sanders, " White, do.	2 02		
Amount forward,	\$680 46½	\$208 02½	\$169 62

		Specie.	Notes, &c.
Amount brought forward, -	\$680 46½	\$308 02½	\$169 30
L. E. Barber, clerk of supreme court, fee bill, - - -	27 20		
do. do. do. do.	3 37		
Paid sheriff for jury fee, Byrd vs. Johnson, - - -	3 00		
Justice Fitzgerald, taking Mr. Byrd et al. acknowledgment, -	1 00		
Hayeave, clerk's fees, attachment vs. Ellis, - - -	6 50		
Clerk and sheriff St. Francis, fee bill, - i - -	26 28		
Miller Irvin, in part of fee bill, -	50 00		
Do for taxes on Cummins' property under deed trust, -			20
Do. fee bill received, \$54 10 and \$8, - - -	62 10		
U. S. clerk and marshal's fee bill, -	11 32		
H. Haralson, clerk's bill, \$1,137 24, paid with, - -	811 31		
Do. for recording deeds, -	6 37½		
Paid Keller, clerk Phillips co., for transcript, - -	8 75		
Sheriff of Pulaski, execution for Durives, et. al., - -	37 19		
Hutching's making out docket of cases in suit, - -	56 00		
Haralson, clerk for recording deed, - - -	2 50		
Paid justice for proving account on Coulter's estate, -	25		
W. S. Lockert, witness per diem suit of Williams, - -	5 50		
B. J. Knott's bill, balance fee due as attorney, - -			48 93
Herndon Haralson, clerk, 2d fee bill, - - -	85 00		
James Lawson, sheriff's fee bill for 1840, - -	757 68		
		2,451 25½	
Assets principal bank, "paid Gov. Yell," State house fund deposit, - - -			225 35
Do. paid M. W. Dorris amount of his deposit, - -			37
"Certificates of deposit" paid Jas. Harrison, - - -	945		
Amount forward, -	\$3,596 79	\$2,759 27	\$480 78

		Specie.	Notes, &c.
Amount brought forward,	\$3,596 79	\$2,759 27	\$480 78
Do. do. Jacob Little & Co.,	783		
Do. do. L. W. Clarke,	35		
			1,763 00
"Surplus Revenue," paid Jared C. Martin, treasurer, on account surplus revenue fund, per receipt, viz :			
1843.	Notes.	Specie.	
July 5,	\$5,000		
Aug. 10,		\$3,833 50	
Aug. 29,	5,000		
Oct. 4,	5,000		
Nov. 20,	1,000		
1844.			
April 23,	9,000		
Aug. 1,	2,185		
Sept. 24,		368 35	
Sept. 30,	796 65		
Amt. received by treasurer to 30th Sept.			
	\$27,981 65	\$4,201 85	
Subsequently paid, per receipt 19 October,			
		281	
Total,	\$27,981 65	\$4,482 85	27,981 65
Paid the financial receiver in part of his salary from 5th April, 1843, of \$1,500 per annum, per account 31st Jan., 1843, and additional \$500 per annum, per act 3d Feb., 1843,			
Amt. bank notes cancelled per official receipt :		2,900	
1844. Feb. 9th amt. burned per receipt,			
		529,770 00	
do. Feb 8,	do. do. do.	10,440 00	
do. do. 22,	do. do. \$9,980		
do. do. 22,	do. do. 84,990		
do. do. 22,	do. do. 7,050		
		102,020 00	
do. March, 28,	do. do.	142,175 00	
do. May, 29,	\$194,750		
Amount forward,	\$588,829 79	\$10,142 13	\$30,125 43

				Specie.	Notes, &c.
Amount brought forward, -				\$588,829 79	\$10,142 13
May 29, amt. burned, 11,037 50					\$30,125 43
				205,787 50	} Includes <i>half</i> a \$5 note.
do.	June, 26,	do.	\$3,380		
do.	do.	do.	595		
do.	do.	do.	3,765		
do.	do.	do.	8,905		
				16,645 00	
do. Sept. 25, do. - - -				925 00	
					1,007,762 50
Total, - - - -				\$813,187 29	\$10,142 13
					\$1,038,032 44
Total in notes, - - -					\$1,038,032 44
Total in specie, - - -					10,142 13
					\$1,048,174 57

CONTINUATION OF CASH REPORT.

In addition to the foregoing account of funds in hands of receivers of the State bank at Little Rock, on the 26th October, 1844, as per their general statement, the following sums have since been placed in their hands by receivers of the branches, viz :
1844.

	St. Bank notes to be burn'd.	R. Estate.
Nov. 4, From receiver's at <i>Fayetteville</i> , for collections made by them from 21st March, to 21st July, 1844,	765	950
Nov. 21. From receivers of branch at <i>Arkansas</i> , for collections from 14th February, to 14th June, 1844,	3,420	1,990
do. do. from 14th June, to 14th October, 1844,	1,995	2,750
Total dollars,	6,180	5,700

and which the committee will find to be correct.

The circulation outstanding of notes issued by State bank and branches on 26th October, 1844, was	\$172,357 50
From which deduct the above sums to be burned,	6,180 00
Will leave the present outstanding circulation,	\$166,177 50
Amount Real Estate bank notes on hand at the principal bank, per report 26th October, 1844,	129,560
To which add the above receipts,	5,700
Makes present amount on hand,	\$135,260

SUPPLEMENTARY REPORT ON BANKS.

MR. SPEAKER:—The joint standing committee on the State bank, in addition to the report already submitted, beg leave to report further.

That of the \$16,295 49 of specie not turned over by the receivers of the branch of the bank of the State at Batesville \$3,727 30 were retained and not turned over to them by the old officers of the bank. Of the remaining \$12,568 19 received by them, and not turned over to the principal receivers, \$2,023 11 were appropriated to the payment of a judgment *vs.* the bank in favor of Wicough and Baltimore; \$3,164 00 were paid for checks in favor of the members of the last legislature which the cashier refused to pay; \$1000 00 were used to remove a lien upon land sold by the bank to Scull; \$3,047 09 were paid to Messrs. Pope and Noland for services as attorneys for the bank for which they had obtained judgment; \$246 33 were paid for sundry claims against the bank; \$2000 were retained by the receivers under the act of liquidation and \$1091 66 were paid to Lowe and Ringgold and Duncan and Pope specie depositors for all of which vouchers were exhibited; and which with the \$23,329 51 paid to the principal receivers amount to \$36,097 20 the whole amount received by the receivers of the Batesville branch from the old officers of the bank.

In relation to the \$1,091 66 paid to specie depositors it may be proper to state that \$400 00 were paid to Mr. Ringgold, cashier, \$166 66 to Mr. Lowe, president of the bank, on credits in specie entered by themselves and supposed to have been for their salaries for the four months preceding the time they turned over the assets of the bank.

Of the \$17,462 24 not accounted for by the branch at Fayetteville, \$15,160 70 were not turned over to the receivers of that bank by the old officers of the same. Of the remaining \$2,302 04 received by the receivers and not turned over \$80 00 were paid Mr. Martin specie check, \$72 91 were paid W. L. Wilson for salary as president, \$149 13 R. P. Pulliam as clerk, and \$2000 were retained under the act of liquidation, which, with the \$17,147 18 makes the whole amount of \$19,449 32 received by the receivers of the Fayetteville branch from the old officers of the branch. \$10,000 of the above \$15,160 70 not turned over by the old officers of the bank to the receivers, were sent on to New York to buy State bonds.

In relation to the branch at Arkansas the \$2000 retained by the receiver under the act of liquidation, with the \$5,379 37½ paid by him to the principal receivers makes \$7,379 37½, the whole amount turned over to him by the old officers of the bank, as shown by his receipt on file in the treasurer's office.

Of the \$7,717 50 not turned over by the old officers of this branch they paid \$2,897 on specie checks in favor of members of the last legislature. Of the remaining \$4,820 56 they should render some account.

A. RUST, *Chairman.*

REPORT

ON THE

AMOUNT OF SPECIE IN THE STATE BANK.

MR. SPEAKER:—The committee to whom was referred the enquiry of the quantity of specie in the State bank, at the time the same was put into liquidation, and the amount now on hand, and if any has been paid out, for what the same has been paid, have had the same under examination and consideration, would beg leave to make the following report:

We proceeded to the State bank, and applied to Mr. J. H. Crease, the financial receiver of the said bank, for a statement of the specie on hand, as received from the branches, and the amount on hand in the principal bank. We find the amount of specie to be \$46,082 59, as per exhibit herewith appended, marked A.; out of which amount the said financial receiver has paid out the sum of \$10,142 12, as per statement herewith exhibited, marked B; among other items in said statement there appears to be sum of \$2,900 paid to the financial receiver and clerk, as well as various other items of fee bills, &c., to officers. Your committee would further here exhibit a statement of E. N. Conway, auditor, and Jared C. Martin, treasurer, marked C.; in which statement there appears an account in favor of John H. Crease, for the sum of \$2,250, upon which account the auditor issued his warrant, on the 16th day of November, 1844, for which the said John H. Crease gave his receipt, which all fully appears from the said exhibit, marked C.; and also it further appears that the said Crease has not presented his warrant to the *treasurer* for payment, as also appears from the exhibit herewith shewn, marked C.

For us to draw any deductions from the above facts, we deem it entirely unnecessary, but merely state that under the provisions of an act approved 3d day of February, 1843, among other appropriations, there was an appropriation made for the sum of twenty-two thousand dollars, to pay the officers appointed by the legislature to wind up the State bank and branches, which was deemed ample to pay all the officers elected to wind up the State bank and branches.

It further appears that the financial receiver has paid himself with specie, and also holds the auditor's warrant for his salary upon the

treasurer—upon which state of facts we recommend the attorney general to commence suit upon the bond of the financial receiver of the principal bank at Little Rock, for the amount of specie paid out by him for the salary of the financial receiver, as we conceive that the said financial receiver transcended his authority and power in paying the said salary of the financial receiver, as the mode and manner has been pointed out by law for the payment of the salaries of the officers of the bank. All of which is herewith submitted to the consideration and action of the House.

[A.]

SPECIE RECEIPTS AND EXPENDITURES TO 26TH OCTOBER, 1842.

A full report of specie and other receipts and expenditures was made by the officers of the State bank, at principal bank, to the legislature, at Nov. session, 1842, and which was printed.

After the act of liquidation, A. Boileau, Esq., was appointed agent on the part of the State, and among other things settled and reported upon the *specie expenditures* between the time of the report to the legislature and the turning over of the assets of the bank to the receivers, and upon such examination there was found to be a balance of specie remaining in the principal bank, as per his report to the Governor, of

\$22 44

(The balance specie from this bank was drawn on specie pay of members.)

Amount received from officers principal bank,	22 44
" since rec'd from receivers at Arkansas, 5,379 37	
" " " do do 4 09 5,383 46	
" " " do Batesville,	23,529 51
" " " do Fayetteville,	17,147 18

Total amount of specie receipts,	\$46,082 59
Total amount of expenditures per account,	10,142 13

Balance on hand,	\$35,940 46
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[B.]

ACCOUNT OF SPECIE PAID OUT BY RECEIVERS TO
26TH OCT., 1844.Cash paid for advertising 1 "notice to debtors," as prescribed by the
act of liquidation, viz:

Editor Batesville News,	\$23 87½	
Washington Telegraph 20, Helena Journal,	20 40 00	
Arkansas Intelligencer 20, Arkansas Gazette,	19 39 00	102 87½
Paid Gazette furnishing 1 ream bank notes,		10 00
Paid Bates & Co's bill, books and stationery,		14 62
" Jonas Levy, 10, Lazarus, 13 45, Woodruff, 7,		
Fitzgerald, 1 25,		31 70
" Samuel, 2 40, Isaac's, 7,		9 40
B. Borden, for printing a ream of letter notices for renewal, &c., and paper,		10 00
" C. J. Krebs, for candles 9 60, B. Williams, postage bill, 1 Jan., '43, to 1 Jan., '44, 47 15,		56 75
" Editor of Banner advertising 2d notice for newal,	10 00	
" Editor of Gazette advertising 2d notice for renewal,	10 00	
Paid sundry bills for repairs to bank property, viz:		
" Jno. Robins, repairing pavement, 6, Jno. Smith, repairing tin roof, 3 50,	9 50	
" Bradbury, removing nuisance, paving alley, &c.,	9 20	
" Jno. Robbins, raising and underpinning trim- mers of fire place,	7 00	
" Shaw, Herschell and Beck, carpenters, bills for repairs to house,	10 62	
" Annear and Smith, repairs to pump,	5 62-100	40 94
" B. Williams, post office bill, 1 Jan'y to 30 Sept., 1844,		11 74
Accounts at law—paid the following expenses, viz:		
A. Pike, retaining fee, advice and assistance to law- yer in N. Y. A. Trust Co.,	1,00 00	
D. Greer, cer. copy of constitution,	11 10	
A. H. Rutherford, cer. list of bankrupts, use of all the branches,	6 00	
L. R. Lincoln, clerk's fee bill, (in part, 269,)	100 00	
E. Carely, sheriff Hot Springs, fees, 13 67, fees on writs, 4 10,	23 80	
Garner, sh'ff of Chicot, 27 05, Jackson, sh'ff of Sevier, 13 17,	40 22	
Bowen, sh'ff of Mississippi, 5 05, Halbert, sh'ff of St. Francis, 54 07,	59 12	
Murray, sh'ff of Conway, 49 61, Huddleston, sh'ff of Pike, 7 45,	57 06	

Irvin, sh'ff of Phillips, 27 74, Smith, sh'ff of Clark, 30 15,	59 89	
Hammett, sh'ff of Jefferson, 22 72, Sanders, sh'ff of White, 2 02,	24 74	
L. E. Barber, cl'k sup. ct., fee bill, 27 20, same do., 3 37,	30 57	
Paid sheriff for jury fee, Byrd v. Johnson, Justice Fitzgerald, for taking Wm. Byrd's relin- quishment,	3 00	
Hargrave, cl'k fees, attachment v. Ellis,	1 00	
Paid clerk and sh'ff St. Francis, fee bill,	6 56	
Miller Irvin, in part, his fee bill,	26 28	
do per fee bills ren'd, 54 10 and 8,	50 00	
U. S. clerk and marshal's fees,	62 10	
H. Haralson, cl'k, fee bill, 1,137 74, paid with do for recording deeds,	11 32	
Keller, cl'k Phillips, for transcripts,	811 31	
Sheriff Pulaski, ex. fav. Dunnive & Co.,	6 37½	
Hutchings, making out docket, cases in suit,	8 75	
Haralson, cl'k, recording deed, 2 50, justice prov- ing acc't, v. Coulter's es.,	37 19	
W. S. Lockert, witness, per diem in Williams's suit,	56 00	
H. Haralson, cl'k Pulaski, 2 bill,	2 75	
Ja's Lawson, sh'ff, fee bill from 1840,	5 50	
Paid J. C. Martin, treasurer, viz :	85 00	
Per rec't 10 August, 1843, ac. surplus revenue,	767 68	2,451 25½
" do 24 Sept., 1844,		
" do 19 Oct., "	3,833 50	
	368 35	
	281 00	4,482 85
Paid the financial receiver, in part of his salary from 5th April, 1843, of 1500 per ann. by act of 31st Jan'y, '43, and additional 500 per annum, under act 3 Feb'y, 1843,		2,900
		\$10,142 13
From 5 April, 1843, to 5 Oct., 1 y'r 6 mon., 1500,	2,250	
" 5 do do 500, 750, 300 and 2,900		

[C.]

THE STATE OF ARKANSAS,

*To John H. Crease,**Dr.*

For my salary as financial receiver of the bank of the

State of Arkansas, from 5 April, 1843, to 4 October,

1844, 1 year 6 mo's, at \$1500 per annum,

\$2,250

Mem. J. H. Crease was elected 2nd Feb'y, 1843, commissioned
30 March, and qualified 5 April, '43.Received of the auditor a warrant on the treasurer of the State of
Arkansas, for two thousand two hundred and fifty dollars, in payment
of the above account, 16th November, 1844.

Signed,

J. H. CREASE.

I do hereby certify that the warrant mentioned in the above receipt
has never been presented at the treasury for payment. Witness my
hand and official seal, at Little Rock, 9th December, 1844.JARED C. MARTIN, *Treasurer*
*of Arkansas.*The appropriation act, approved 3rd February, 1843, contains an
appropriation "to pay officers appointed by the present legislature to
wind up the State bank and branches, twenty-two thousand dollars."

REPORT

ON THE

REAL ESTATE BANK.

MR. SPEAKER:—The committee appointed by this House, to examine the condition of the Real Estate bank, have had the same under consideration, and given the subject as much attention as was in their power, beg leave to make the following report for the consideration of the House.

A. G. MAYERS, *Chairman.*

The committee commenced their investigation by summoning before the committee, Thomas W. Newton, the present Cashier and Secretary of the Real Estate bank, who being duly sworn, answered all the questions which was asked touching the condition of said bank. Upon an examination, it was found that the whole amount of issues made by the principal bank and branches was originally \$854,650, including the amount furnished to put the branch bank at Van Buren into operation; since which time there has been burnt, at various times, \$384,730, and from an examination of the amount of funds on hand, find that they now have in the principal bank, at Little Rock, \$177,115, (notes of the bank at Little Rock;) notes of the branch at Washington, \$39,145; notes of the branch at Van Buren, \$7,500; notes of the branch at Columbia, \$575 notes of branch at Helena \$1,320; making in the whole, \$225,655: By adding this to the amount stated to have been burnt, makes the total a mount of the circulation redeemed, which the bank and branches had in circulation, previous to 1st November, 1844, \$610,385, leaving a balance, still in circulation, of \$244,265. The returns not being made from the branches since the 1st day of April, to November, your committee cannot say how much of the circulation may be in the hands of the officers of the different branches. The committee appointed a subcommittee, to count the money on hand: it consisted of Messrs. Mayers and Ward. They proceeded to the bank and discharged the duty, and found the amount to be correct, as stated in the abstract furnished by Mr. Newton, with the exception of \$2,500, being that much more on hand, which was received since the abstract was made out by the Secretary. Your committee have found in the bank thirty-two State bonds, amounting to \$34,814 52; also, six bonds of the State bank,

loaned to the Governor; making in the whole, \$40,814 52. We also counted the specie, and found that there was in the vaults of the bank, \$8,580 87½, in gold and silver. For a more full statement of the specie fund, we refer the House to the abstract accompanying this report, marked A. It will be seen that the Real Estate bank has about \$16,490, in State bank and branch paper; this amount added to the \$40,814 52, in State bonds, will make, when added together, the sum of \$47,304 52. Your committee would recommend the exchange of this amount with the State bank, for paper of the Real Estate bank, now on hand in the principal bank of the State at Little Rock. And further, would beg leave to state to the House, that in their opinion, the several notes so exchanged, should be burnt; also, the bonds as soon as the exchanges are made. The committee find that the bank has still on hand a large amount of her blank impression, which should be burnt and destroyed.

The committee do not deem it expedient to draw any deductions or conclusions in relation to the manner in which the trustees have managed since the meeting of the last session of the Legislature, nor is it in the power of your committee, to arrive at any correct idea of the situation or condition of the Real Estate bank. The committee have propounded a number of questions to Mr. Newton, touching matters of importance in relation to the bank, all of which he very promptly answered under oath, which are herewith annexed, and made a part of this report. From a statement, made by Mr. Newton, of the condition of the debts due the bank, it will be seen that a large portion of the debtors have failed to comply with the law made by the assignment, and no doubt will be a total loss to the bank, and must fall eventually, upon the State and people. This being the case, your committee would respectfully call the attention of the House to the condition of the institution, and ask that some provision be made to prevent this result, which must eventually follow—levying a tax upon the people.

The committee would further state, that from the evidence accompanying this report, it will be seen that the salary of the attorney, for the whole bank is \$2,250, and the salary of the cashier \$1,200, and in no case can the pay of any of the trustees amount to more than \$750, per annum.

The committee are of opinion, that the bank might be wound up upon a more economical plan, as the salaries of the officers are too high for the services rendered, and would recommend to the House that such action may be had, as in their wisdom they may deem proper. For a full and more correct account of their investigation, refer the House to the accompanying document and evidence, marked B.

In conclusion, take pleasure in stating, that Mr. Newton (the present cashier) has done every thing in his power to aid the committee in the discharge of their duty, which entitles him to the thanks of the committee.

A. G. MAYERS, *Chairman.*

WM. W. FLOYD, W. L. WARD, WILFORD GARNER, F. B. CULVER, P. R. BOOKER.

STATEMENT A.

STATEMENT of the accounts of the Real Estate Bank, in the hands of the Trustees, condensed by the Cashier and Secretary, from the returns made to him from the several offices, viz : From Little Rock, 1st November, 1844; from Washington, April and November: Columbia, April, June and November; Helena, April, and Van Buren, April, and November, 1844.

To capital stock and profits, Little Rock Office, Helena do. Columbia do. Washington do.	\$388,453 13 409,695 20 474,117 69 361,928 92		By bills receivable, viz : Little Rock Office, Helena do. Columbia do. Washington do. Van Buren do.	\$339,366 47 443,800 16 534,322 48 416,688 50 114,881 56	\$1,849 059 17
To Depositors and Banks, Little Rock Office, Helena do. Washington do. Columbia do. Van Buren do. Executive Board.	23,142 17 2,147 07 63,624 10 17,132 62 6,750 90 12,904 50		By real estate, Little Rock Office, Helena do. Washington do.	24,256 99 3,858 79 1,675 00	29,790 78
To bills payable, being the total amount of issues, including that for Van Buren, viz : Little Rock office, Helena do. Washington do. Columbia do.	202,500 00 170,150 00 235,000 00 247,000 00		By banks and individuals, Little Rock Office, Helena do. Columbia do. Washington do. Executive Board,	626 25 252 68 527 77 380 85 11,783 97	13,571 52
Total issues.	\$854,650 00		By advances for general interest, expenses, and bonus. Little Rock office, Helena do. Executive Board,	47,503 13 19,985 76 28,640 58	96,129 47
From which deduct amount burnt 25th June, 1841, " " " " 14th Nov.	\$50,000 00				
1842, " " " " 3d April,	190,220 00				
1844, " " " "	144,510 00				
Total burnt,	\$384,730 00				
Amount on hand, Little Rock Office, \$177,115 " " Washington, do. 39,145 " " Van Buren do. 7,500 " " Columbia do. 575 " " Helena do. 1,320 ———— \$225,655 00	\$ 610,385		By cash assets, viz : Little Rock Office, in Notes pr R. E. \$103,420 Washington issue, 29,375 Helena, do. 18,075 Columbia do. 19,130 Not assorted, 7,115	\$ 40,814 52	\$52,226 36
Total amount in circulation,		244,265	Washington Office, in Notes pr R. E. B'k, \$9,185 " Columbia, 15,830 " Helena, 14,130	4,219 00 16,490	20,709 00
To profits and loss, (for gain.) Little Rock Office, Helena do. Columbia do. Van Buren do. Executive Board.	31,497 42 1,982 82 22,477 81 5,832 42 1,872 41	\$63,662 88	Van Buren Office, in Notes R. E. Bank, generally, Helena Office, in Illinois money, 10 00 Mississippi money, 461 00 Little Rock Corpora- tion, 91 00 Real Estate notes, generally, Columbia office, in Chico co. scrip, 4,600 Real Estate notes, generally, Executive board, under above head as due from individuals, good funds, not available,	355 14 1,022 79 359 95 11,783 97	355 17 1,022 94 4,950 95
TRUSTEE'S OFFICE, Little Rock, 5th, December, 1844. } I have carefully made up the foregoing statement from the re- turns specified in the caption, and believe the same to be correct. THOS. W. NEWTON, Cashier and Secretary.		\$ 2,067,824 18		\$29,152 69 \$16,490 \$40,814 52 \$225,655 \$ 2,067,824 18	

MARKED. [B.]

Thomas W. Newton, sworn.

Question. What amount of salary is received by the attorney for the bank; and what is received by the cashier and secretary of the bank per annum; and what amount per day, received by the trustees, and how many days have the trustees been paid for the last 12 months?

Answer. The salary of the attorney, for the whole bank, is \$2,250 per annum. The salary of the cashier and secretary, is \$1,200 per annum.

The trustees are allowed \$3 per day, not to exceed 180 days at Little Rock, nor more than 75 days at the branches in any one year. The trustees at Little Rock were paid for 75 days only per year, and I believe the same at the branches. The members of the Executive board received \$4 per day, when in session, and \$3 for every twenty miles travel. On the 2d April last, the number of trustees was reduced to 5, who are now the sole or residuary trustees, and they receive the same compensation as was allowed to the Executive board, which cannot exceed \$750 per annum.

Quest. What amount of debts and liabilities of the bank has been renewed, and what amount *not* renewed within the last 12 months?

Ans. The amount renewed at Little Rock, is \$123,443 09. The amount not renewed, is \$215,923 38, this includes stock debt. In regard to the branches, I am unable to answer for the want of sufficient returns.

Quest. How much did William E. Woodruff owe the bank on 1st November, 1842, and how has the same been adjusted, and who is now responsible for the same as principal, and who as security, and who was Woodruff's security when he became released?

Ans. William E. Woodruff owed the bank on the 1st November, 1842, as follows, viz:

One note, with James DeBaun and James Pitcher, as securities, for	\$4,800
With interest on same, from 19th October, 1841.	
One other note, with Chester Ashley and George C. Watkins as securities, for	2,021 15
With interest on same, from 19th October, 1841.	
Also his stock debt, secured by mortgage,	14,117 65
Interest and instalments on above,	2,028 75
	\$22,967 55

The above were adjusted in January, 1843, as follows viz:

By a note of James Lawson, jr., as principal, with B. J. Borden, Luther Chase, Wm. B. Borden, and P. L. Anthony, as securities, for \$2,500 nett credit to Woodruff.	2,300 00
By a note of B. J. Borden, as principal, with Luther Chase, Wm. B. Borden, James Lawson, jr., and P. L. Anthony, securities, for \$2,500, nett credit to Woodruff,	2,300 00
By a note of Wm. E. Woodruff, as principal, with Roswell Beebe and Jas. Pitcher, as securities, \$1,800, nett credit to Woodruff,	1,656

By a note of Wm. E. Woodruff, as <i>principal</i> , with R. Beebe and Jas. Pitcher, securities, for \$986 72, nett credit to Woodruff,	909 79
By new stock note, Wm. E. Woodruff, for \$12,352 95, nett credit to Woodruff,	11,364 72
By cash payments,	4,439 04
	\$22,967 55

Quest. For how much was the 500 bonds hypothecated, and by whom was it done, and what was the compensation allowed for the service; and what disposition was made of the amount arising from the said hypothecation, and what kind of, and description of funds was paid into the bank for the amount received upon the hypothecation?

Ans. So far as I have been able to ascertain on examination, the 500 bonds were hypothecated to the N. American Trust and Banking Company, New York, on the 7th Sept., 1840, for a loan of \$250,000, by Messrs. Harris, agent, Drennen and Witter, commissioners, the agent received for his services \$366 25, and the commissioners \$1,000 each. The whole amount ever claimed to have been paid by the Trust and Banking Company on the loan aforesaid, is \$121,336 59; of this sum \$15,000 were received by the agent and commissioners in New York and accounted for to the bank; \$69,524 50 was appropriated to the payment of interest on bonds sold, due in January and July, 1841; the remainder was used in New Orleans in payment of judgments against the bank, and in the purchase of Arkansas paper.

Quest. Will the trustees exchange with the State all the notes of the State bank and branches, which you have on hand, for Real Estate bank notes; and will they also exchange any bonds of the State sold on account of the State bank, which they may have taken in payment of debts, for a like amount in Real Estate bank paper?

Ans. The trustees have always authorized an exchange of notes with the State bank, when we had State paper on hand, and will do so at any time. As the great object in taking the State bonds in payment of debts, was to enable us to exchange them with the State bank for any Real Estate notes they might hold; and being bound under the deed of assignment to take up the circulation as fast as possible, they are also willing to sell to the State the banking house and lots in Little Rock, for a fair price, to take up a further amount, and to exchange any bonds hereafter received, until the whole amount of the Real Estate paper is taken in and destroyed.

Quest. In your answer to the question of the disposition of the bonds hypothecated, you do not state the kind of funds received, or the amount of judgments paid in New Orleans; please state the kind of funds the \$15,000 were paid the bank by the agents, and also the amount of judgments, and date the time it was paid. State whether Arkansas money was paid into the bank at par against the amount of specie credits.

Ans. The kind of funds received by the agent and commissioners from the North American Trust and Banking Company, was, in Cincinnati and Louisville funds, \$10,000; in New York and Cincinnati funds, \$5,000; making in all, \$15,000.

It appears by the settlement made by the agent and commissioners with the bank in November, 1840, that they paid over as follows: in Philadelphia funds, \$1,750; in Kentucky funds, \$2,342 50; in Tennessee funds, \$473 84; in Indiana funds, \$1,150; credit by expenses of agent, \$366 25; by compensation to the commissioners, \$2,000; by amount paid in New York for affixing name to coupons to bonds, \$50; making total in good funds, \$8,172 59; also in Arkansas money, \$9,564 69, being in the aggregate, \$17,737 28.

The amount of judgments paid in New Orleans referred to in my previous answer, were as follows, viz:

1841. May 15. Slocum, Richards & Co., including costs, &c.	\$3,760 90
“ July 8. Robert Rose,	4,052 04
“ Dec. 8. W. & C. Fellowes & Co.,	2,884 07
	\$10,697 01

No Arkansas money was paid into bank at par against the amount of specie credits, so far as I can ascertain or believe.

Quest. Has there been paid any extra fees for attorneys, or travelling expenses since the assignment, if so, how much, and to whom, and what kind of funds?

Ans. No extra fees have ever been paid the attorney of the trustees for services rendered in this State; nor any travelling expenses allowed him for journeys within the State. No other attorney or additional counsel has ever been employed by the trustees in the State, or any fees paid to any counsel in the State, within my knowledge or belief. In cases where the attorney has employed other lawyers, he has paid them himself, as I understand. In February, 1843, the attorney was sent by the trustees to New Orleans, on business of the bank, and on his return he was allowed \$75 for his travelling expenses, in good funds.

In the summer of 1843, it became necessary to send agents to New York, to settle with the Phoenix bank, with the North American Trust and Banking Company, and with an attorney previously employed in New York to defend six or seven attachment suits there pending, under which funds of the bank had been seized, by collusion between that attorney and others: and finally, and above all, to institute suit against the North American Trust and Banking Company and Holford & Co., to cancel the hypothecation contract, and recover the bonds hypothecated, or at least to enjoin their negotiation, and recover a part of them. This business being of great importance and intricacy, both the attorney and cashier were directed to proceed to New York, and by an order of the executive board \$1,500 in good funds were appropriated to meet their travelling expenses, and as full compensation for this extra service; of this amount, the attorney received \$1,000; and the cashier and secretary \$500. The cashier spent about six weeks, and the attorney about two and a half months in New York, engaged in the business of the bank. All the settlements were effected as far as possible, and a bill, prepared under the eye of the attorney, is now pending in the chancellor's court of New York against Holford

& Co. and the North American Trust and Banking Company for the objects mentioned above. To attend to that suit and others pending and brought while the attorney and cashier were in New York, the services of an eminent member of the New York bar were engaged, and \$350 paid him towards his fee.

The sum of \$50 has been paid to a lawyer in New Orleans for services rendered previous to the assignment. No other fees of counsel or travelling expenses of attorneys, have been paid by or claimed of the trustees, within my knowledge.

Quest. Have any of the assignees, or attorney, or secretary, been paid in bank paper since the assignment; if so, at what rate of discount?

Ans. None of them have been paid with any other kind than good funds, within my knowledge.

Quest. How many days did the trustees meet in session, during the last 12 months, at the principal bank in Little Rock?

Ans. The whole number of days in regular sessions, as noted on the minutes, since the 4th Nov., 1843, is 42 days; though one or more of the trustees have usually attended at the bank once or twice a week during that time, the precise number of days I cannot state.

Quest. What was done with the balance of the funds received of the North American Trust and Banking Company, say twenty-six thousand one hundred and fifteen dollars and eight cents, which appears to be the balance of the money not enumerated in your former answers?

Ans. The balance of the funds alluded to, was invested in the purchase of Arkansas money in New Orleans by Messrs. Peters & Millan, who were the agents selected by the North American Trust and Banking Company for that purpose, and through whose hands all the money passed except the \$15,000 received by the agent and commissioners. Upwards of \$40,000 in Arkansas money were paid over to the bank by Messrs. Peters & Millan, having been purchased by them at about 25 per cent. discount.

Thomas W. Newton, being duly sworn, deposeth and says, the answers given by him to the questions asked by the committee, are true to the best of his knowledge and belief.

THOS. W. NEWTON,

Sworn to before me.

A. G. MAYERS,

Chairman of Committee. }

REPORT
OF THE
COMMISSIONER ON PUBLIC BUILDINGS.

*To the Honorable the Senate, and
House of Representatives:*

I herewith submit the report of the commissioner of public buildings.

With respect,

THOS. S. DREW.

Executive Department, Nov. 28, 1844.

*To his excellency THOMAS S. DREW,
Governor of the State of Arkansas:*

SIR—In the discharge of my duties as commissioner of public buildings, I now proceed to lay before your excellency an abstract showing the amount of money expended in keeping the State house and other public property of the State in repair (that is given in charge of the commissioner of public buildings) during the time I have been in office, as also to whom and for what paid.

The act of the legislature approved 2d February, 1843, prescribing the duties of the commissioner of public buildings, requiring him to procure fuel and stationery for the use of the General Assembly, and making an appropriation of one thousand dollars for that purpose, as also to have cast-iron backs and jambs inserted in each of the fire places in the legislative halls, all of which was contracted for, but owing to a failure on the part of the foundryman of this city, with whom the commissioner contracted with for the backs and jambs, that part of the law, I regret to say, has not been fulfilled.

The law also prohibits the commissioner from making any contract for or on account of the State house, except what may be absolutely necessary to keep the same in repair, and not then unless approved by the Governor, all of which has been strictly observed by your commissioner.

Your commissioner would state that out of the appropriation of one thousand dollars made at the last session of the General Assembly, for the purpose of purchasing fuel and stationery, have, in compliance with said law, expended the sum of nine hundred and eighty dollars and seventy-five cents, to-wit: seven hundred and twenty-two dollars and fifty cents paid Samuel Isaacs for stationery, two hundred dollars paid E. L. Johnson for wood, and fifty-eight dollars and twenty-five cents paid Peter T. Crutchfield for chopping and piling away the wood, &c., all of which will more fully appear by the receipts accompanying this report.

Your commissioner would further report, that he has expended the sum of twelve hundred and sixty-three dollars and thirty-five cents in sundry repairs made on the public buildings out of the fund remaining on hand, for the completion of the public buildings, the kind and nature of which will fully appear by reference to the vouchers herewith submitted.

In conclusion, your commissioner would beg leave to state, that in the discharge of his duties he has been governed strictly by the law, as far as he understands it, and that in making all his contracts he has been guided by the interest of the State; and if he should have erred in any matter, he feels confident it will be properly placed.

All of which is respectfully submitted.

HENRY F. PENDLETON,
Commissioner of Public Buildings.

LITTLE ROCK, Nov. 25th, 1844.

C. P. BERTRAND, Esq.,

Chairman of committee on Public Buildings:

Agreeable to request, I give you a rough estimate of the probable cost of changing the north and south fronts of the porticoes of the State house, by taking off the plastering on the frame work of the same, and substituting wood in place thereof, which amounts to the sum of four hundred and seventy-two dollars and fifty cents, par funds, viz:

5,000 feet lumber, at \$12 50,	\$62 50
200 lbs. nails, at 10 cents,	20 00
Material for scaffolding,	20 00
Erecting scaffolds,	40 00
Carpenter work,	230 00
Painting, say three coats,	100 00
	\$472 50

I will furthermore state, that the last General Assembly made no

appropriation to pay the commissioner's salary, in consequence of which, I have not been able to draw the same.

All of which is respectfully submitted.

HENRY F. PENDLETON,
Commissioner public buildings.

MR. SPEAKER:—

The standing committee upon public buildings to whom was referred with other matters, the report of the commissioner of public buildings, have had the same, with the accompanying documents, under consideration; and after a careful inspection and comparison of the vouchers, with said report, they find the same to contain a true and correct account of the disbursements made by said commissioner, for the past two years.

The committee would recommend an appropriation of five hundred dollars, for the repair of the north and south portico fronts of the State house.

The fence enclosing the State house grounds, is in such a decayed condition, as to require, within the next year, the substitution of a new one, and the committee advise an appropriation of three hundred and fifty dollars, for that purpose.

No appropriation was made at the last session of the legislature, as your committee learn, to pay the salary of the commissioner of public buildings, and the committee would ask the necessary appropriation.

All of which is respectfully submitted.

BERTRAND, *Chairman.*

MR. SEAKER:—The standing committee on ways and means, to whom was referred the report of the committee on public buildings calling for certain appropriations, have had the same under consideration, and beg leave to report that the general appropriation bill, prepared by the joint standing committee on ways and means, and which will be introduced to-day in the Senate, provides for the payment of the salary of the commissioner of public buildings.

Your committee, however, are not prepared to recommend the appropriations for repairs proposed in the report, as our means are so limited as to call for the most rigid economy in all our transactions.

Respectfully, JAMES B. LOGAN, *Chairman.*

LITTLE ROCK, *Dec. 23d*, 1844.

*To the Hon. Legislature
of the State of Arkansas :*

GENTLEMEN—I much regret the necessity of appearing before you in this communication, but a report of the joint committee upon the State bank, has an allusion to a transaction of mine which requires of me some explanation. I would be far from charging upon that committee, or any member of it, a wish to do me the slightest injustice in the investigation of any matters connected with that institution, by giving to the subject the slightest gloss or coloring against me ; at the same time, I am sorry they did not deem it necessary to call upon me to appear before them, in order to explain or justify. I shall, however, proceed with the explanation.

In the first place, during the winter and spring of the year 1840, I visited the city of New York, (by order of the general board of the bank of Arkansas), to settle with and secure the payment of the balance of a debt of about \$140,000, due by the North American Trust and Banking Company, to the State bank of Arkansas and her branches. After considerable difficulty and much delay, I succeeded in making the settlement, receiving a portion of the money, and obtaining a guaranty for the residue, say about \$120,000, payable at different periods. The original amount involved in this settlement was upwards of one million of dollars.

I received certificates of deposit payable to the principal bank and the several branches, for their respective quotas of the balance due, which sums I think, were regularly paid as drawn for, until about the month of 1841, when there was a total failure of the North American Trust and Banking Company. At which time there was still due upon these certificates, some \$20,000, principally to the branch at the Post of Arkansas. Suit was instituted by the agent of that branch in New York, upon the guaranty taken by me, and placed in the hands of Mr. Paine, an attorney at law in the city of New York.

Some time (I think) during the summer of 1842, Mr. Paine, the attorney of the bank, addressed a communication to the bank at this place, upon the subject of this suit, and among other things, stated the absolute necessity of having some one there, who understood the nature of the transaction, and settlement of the whole matter, and if my recollection serves, suggested the propriety of sending *me on*, as I might possibly be wanted as a witness in the case. This letter was shown to me by the cashier of the bank, (having resigned my office as president some time before), and I think no action taken upon it until the meeting of the legislature in the fall of 1842, at which time the same was referred to the joint committee on banks. I was subsequently called before that committee to give some explanations as to the situation of the guarantors, &c. ; and I was applied to by some members thereof, to know upon what terms I would undertake the agency, and proceed to the city of New York, attend to the interest of the bank, &c. I replied that I would require \$1,500 in spe-

cie; that I could not afford to make a trip to the north at that season of the year, and spend some three or four months, for a less sum. The committee declined acceding to my terms. One of the same committee again called upon me, or perhaps two of them, (as I understood the subject was placed in the hands of a sub committee), and in consideration of my having some idea of visiting the city of Washington during the winter, I consented to undertake this business for the bank for one thousand dollars, five hundred of which was to be advanced to me previous to my leaving Little Rock, and the remaining five hundred to be paid me by the bank, upon my return. A report was made to the legislature, and a resolution adopted, appointing me the agent, and directing the cashier of the bank to furnish me \$500 for the expenses of my mission. I considered this contract made in good faith. I proceeded forthwith to the city of New York, and remained there during the most of the winter, attending the trial and arrangement of the cause, and did not return to Little Rock, until late in March.

Upon my return, I presented my claim to the board of directors of the principal bank for payment, and caused to go before them one of the committee of the legislature (with whom the contract was made), to establish my right to the demand. I gave the board of directors the alternative to pay the specie, or give me the Arkansas funds at the then current rate of $33\frac{1}{3}$ cents in the dollar; at the same time, I could have procured it at a less rate, say 30 cents on the dollar. The cashier, for reasons not here necessary to state, declined paying me more than \$175, in specie, or giving me the Arkansas money or credits, in accordance with the order of the board. The matter remained in this situation until the assets of the institution were turned over to the receivers, at which time I called upon them to make a settlement. They thought proper not to allow me a credit for the order of the board of directors, and instituted a suit against me upon my note, for near the same amount, to test the legality of my claim. The cause was tried in the Pulaski circuit court, and decided in my favor, and there, as your committee have said, the matter now rests.

In regard to this whole transaction, I feel that I had as fair and legitimate a claim to the one thousand dollars as I ever had for any other contract, or for any services I ever rendered the State or an individual, or I certainly should never have presented it for allowance. I would now most respectfully beg leave to refer your honorable body, to Gen. John S. Ficklin and Judge Trimble of the Senate, the Hon. Mr. Greenwood of the House, to Jno. W. Cocke and Peter T. Crutchfield, Esq., now of this place, (and who were then members of the House), or indeed all other members, for a corroboration of my statements. And in relation to the value of Arkansas bank paper at that time, I refer you to the statements of James Lawson, jr., William E. Woodruff, W. P. Officer, E. A. Moore, H. Mitchell and L. H. Goodrich, hereto attached, who were all men of business and had frequent occasion to deal in Arkansas money.

The recommendation of your committee is, that I shall be sued to

recover back this money. This to me appears to be a novel proceeding, as I would only have to plead in bar the judgment I have against the bank. It is not the suit I regard. In a suit I can have a chance of substantiating my claim. I have already done so. But it is the inference which may be drawn by the public, that I had imposed upon the board of directors a demand, to which I was not fairly and legally entitled. This is the objectionable feature of the report, which I trust your honorable body will take into consideration.

I am, gentlemen,

Respectfully, your ob't serv't.

WM. FIELD.

The committee would remark, in relation the petition of William Field, that several witnesses were introduced and examined, all of whom had either been members of the committee appointed at the last session of the legislature, to investigate the affairs of the State bank, or members of the last legislature; the sum and substance of which testimony, was to prove that the committee on the State bank, at the last legislature, by express understanding with Wm. Field, had agreed to pay him (said Field) one thousand dollars for his pay and expenses for going to the city of New York, to attend to some business for the said bank. That the said committee so agreed with said Field, is manifest to the committee, from the testimony of John W. Cocke, Esq., who seems to have been the principal agent on the part of the committee in contracting with said Field.

Your committee are free to admit, that from all they can learn in relation to this matter, that the committee made one contract with Wm. Field, for one thousand dollars, and requested the legislature to allow him just one half of said sum; which seems to have been a kind of double dealing, to remedy which this committee believe they have no power.

The committee look alone to the act of the legislature, to know how much said Field was authorized to receive, and they there find that by a resolution, he was ordered to receive the sum of five hundred dollars. They therefore conclude, that the further sum of \$500 paid by the bank, was without any legal authority whatever.

WM. W. FLOYD, *Chairman.*

REPORT
OF
SELECT COMMITTEE,
IN RELATION TO
HON. JOHN POPE.

MR. PRESIDENT—The joint select committee to whom was referred the memorial of the Hon. John Pope, of Kentucky, with accompanying documents, have had the same under consideration, and beg leave to submit for the consideration of this House the following report, the result of their deliberations.

The committee, without enquiring into the character of the legal demand preferred by the State of Arkansas against the honorable gentleman, or expressing any opinion as to whether it is justly due and owing to the State or not, have found no difficulty in coming to the conclusion that the memorialist has equitable claims against the State of Arkansas to more than double the sum claimed; which claims, in the opinion of the committee, are susceptible of proof, and could be established in a court of equity against the State.

That the memorialist, in the capacity of territorial Governor, and even after his term of office ceased, spent considerable time and money in closing up the unsettled business of the Territory, and, so far as was possible, in completing the public buildings, in the opinion of the committee, rendering important services to the then Territory, for which he is entitled at least to the gratitude, if not compensation, of the whole people of the State.

The committee, in conclusion, respectfully recommend to the consideration of this House, the propriety of passing a resolution authorizing and empowering the Governor of the State of Arkansas to enter a release of the decree rendered against the memorialist in favor of this State, that the same be fully satisfied, and all further proceedings be

discontinued in relation to the supposed claim of said State against the said memorialist.

THOS. W. NEWTON, *Senate*.
 J. B. BROWN, }
 W. H. SUTTON, }*House*
 }*of*
 C. P. BERTRAND. }*Rep's.*

WASHINGTON CITY, *October 22, 1842.*

To the Honorable A. SEVIER & E. CROSS:

Gentlemen and Friends—The impossibility of my going to Little Rock during the present session of your legislature, induces me to appeal to you to interpose with your legislature to save me from wrong and injustice, at least to afford me a fair opportunity of defending myself against a claim set up by your State against me for a supposed balance of the money received by me for the public bonds granted to the Territory, and sold by me under the authority of Congress. The State has no legal claim to the money, nor am I responsible to the State of Arkansas for my conduct or transactions as an officer of the federal government, and yet I understand that, without notice to me or defence on my part, so far as I know, a decree has been obtained against me by the State, for 7 or \$800, upon a statement of Mr. Eller in relation to a receipt of his. He is a good man, and may be correct. I sold land and disbursed for the Territory more than fifty thousand dollars; gave my personal attention to the business, and especially the sales of the court house lands, and prevented them from being sacrificed. I gave much of my time and attention to the State house and other buildings, without receiving compensation for the whole responsibility and trouble which devolved upon me. Owing to the sickness and other causes, the buildings and other business could not be closed before my time expired, and I had no notice that I should be superseded, until about two or three weeks before my commission terminated, on the 8th March, 1835. I then had to close up my business, hunt up vouchers and make out accounts, and was detained there in arranging the public business, at my own expense, from the 8th of March until the 20th of April, 1835, under the most afflicting circumstances; my daughter was approaching her end, and actually expired two days before I reached Kentucky. I left all my papers, vouchers and accounts relating to the public business with Mr. Crutchfield. Before I left, in March, 1835, I employed a gentleman at Little Rock, the best accountant there, whose name I do not recollect, but well known to Mr. Thorn and others, to arrange my vouchers and make out accounts of the several branches of expenditure. I was confined then by sickness, and Mr. Thorn, at my request, took the papers and assisted this gentlemen for two or three days in doing the business, and they were made out in the best manner and left there.

In September or October of the same year, I returned from Kentucky, while the Territorial legislature was in session, and requested the House by letter to appoint a committee to examine my accounts and settle with me. The House, I believe, considered that as I had acted under the authority of Congress, they had no concern in the matter. The council was willing that I should lodge my accounts, without undertaking to settle with me. I knew that I was not directly responsible to them, but as I had done the business for the benefit of the Territory, I was desirous to expose to them my whole sales and disbursements, to avoid reproach or censure. Finding that I could not have my accounts settled there, I had copies made out and lodged with the Governor or secretary of the Territory, and brought my accounts and vouchers home and the next spring took them to Washington City, hoping that Congress would take it up and appoint a committee to settle with me. But on conversing with several members, and especially Mr. Grundy of Tennessee, it seemed certain that course would not do, and that if I could settle any where, it must be with some of the Departments. I applied to several of the secretaries, and they could make no settlement, because there was no charge against me on their books, and they could only receive my accounts as I chose to make them out, and that would answer no purpose, except to preserve them. I returned home, and preserved my accounts and vouchers for some years, until after Arkansas became a State, and was called on by Mr. Elijah Moore, as an agent under some instruction of the Governor, and to him I gave all the information and papers I had, so far as my memory serves me; and I think I told Mr. Moore, and so wrote to the Governor, that although the State had no legal demand on me, I was willing to pay over what was right, provided the State or the Governor would submit the matter to the decision of impartial men, to be mutually chosen; that I thought I was entitled to some reasonable allowance for the trouble and responsibility of selling and disbursing, besides expense at Little Rock after my time expired, and trouble and expense of returning in the fall, then going to Washington, &c. The government allowed me a small per cent., one or two for responsibility and disbursement on the Memphis road, where the trouble and risk were far less.

I feel bound, unless the legislature will relieve me, to pay a man in Kentucky for the plan of the State house and other buildings. I feel aggrieved at the course taken by the State against me, after the services I rendered her under circumstances which few men would have encountered. I brought on myself abuse and many enemies. I gave my personal attention to the sales of the court house lands, and thereby prevented them from being sacrificed. I forced them up by my own agency to a reasonable price. I expended \$30 or \$40 at Louisville, in 1833, in drawing up and having copied an argument in favor of the right of the Territory to a patent to the lands below Little Rock. The argument my enemies will admit to be able, and I forwarded it to Mr. Duane, secretary treasury, and a day or two before he went out of office he reversed the decision of Haywood, commissioner land of-

fice, and ordered the patent to be issued and to be sent to me. You know that by my vigilance, personal exertion and ability, that property was secured to the Territory. I was under no legal or official obligation to have taken this extra trouble for the benefit of the Territory, for which I have never received a cent, and yet the State, without any legal claim, years after the transaction, upon a supposed error in some of the vouchers, of which I was ignorant, in my absence and without my knowledge or opportunity of defence, harrassed me with a suit, for a sum not half what I am entitled to, according to the uniform usage of this governmentt from its foundation to the present time. Every officer charged with the disbursement of public money has been allowed for risk, trouble and responsibility, at least $2\frac{1}{2}$ per cent. The State house money, court house funds, and sales of seminary lands, amounted to 60 or \$70,000, on which I have a fair claim of 12 or \$1500, exclusive of extra trouble and expense in attending to the property and public buildings, &c., after the expiration of my term of service. No man ever exerted himself more for the interest of a people than I did when I presided over its affairs, and for six weeks after I was out of office. To settle my accounts, I went from Kentucky to Arks., in fall of 1835, at my own expense, and was absent from my home and business for more than two months; and for the disbursement of so large a sum and subsequent trouble and expense, it seems to me that in justice and equity I am entitled to a fair compensation. Remember that the grants of lands were made to the Territory, and the power at first vested in the legislature, and afterwards, for reasons of which you are apprised, the power was vested in the Governor. If this had not been done, the legislature must have employed some one at considerable expense. It did not belong to my ordinary duties as executive to sell lands, build houses and disburse money for the territory, without compensation, the same which an agent, especially employed, would have received. Col. Ashley did a good deal of the business, for which he had a fair claim, but did not make a charge in his accounts against me, intending, as I understand, to submit it to the legislature to make him such allowance as they thought proper. When it is considered how much difficult and troublesome business has been transacted for the territories, without expense, it seems extraordinary that they should be harrassing me with a suit for a supposed error in my accounts, after my unusual exertions to serve them.

Permit me to add, that since I have been in Congress, I have been almost as attentive to the interest of Arkansas as that of my own State, and do feel deeply the course which your State is pursuing against me.

I have now to request you to show this letter to your friends in the legislature, and request them by resolution or otherwise to stop the proceedings against me, and authorize the Governor to refer the case to the award of impartial men, or to open the case for my defence, with a view to a fair and just trial of the questions in issue. I cannot but feel dissatisfied with Gov. Yell and my friends there, to permit a proceeding against me without notice or defence, for I never

heard of the suit or decree until R. Hawkins wrote me during the last session.

I appeal to you to give this subject such direction as justice and propriety require.

With high respect, your obd't serv't.,

JOHN POPE.

*To the honorable the General Assembly
of the State of Arkansas :*

JOHN POPE would respectfully represent, that while he held the office of Governor of this Territory he located and sold lands under the authority of the United States, for the benefit of the said Territory, to the amount of sixty or seventy thousand dollars, and at the close of his administration, when confined by sickness he employed a Mr. Sterrett, among the best accountants to be had, with the aid of Thomas Thorn, to make out his accounts from vouchers furnished them. That after several days' labor and examination, a fair and full statement of his money transactions, receipts and expenditures, were made out, and the accounts were balanced without reference to his claim for compensation for trouble and disbursement. That he returned to this place in fall of 1835, eight months after his term of office expired, and endeavored to have his accounts settled by the legislature of the Territory, which they declined. He then took his accounts and vouchers to Washington City, for the purpose of having a settlement with Congress or some of the Departments, but in this he failed. In fall of 1835, he settled and paid over to Mr. Charles P. Bertrand, then treasurer of the Territory, the balance due for proceeds of seminary land. That he was desirous to have his transactions examined and the accounts closed, because it was right and proper to do so, and to avoid any imputation on his official conduct.

He never considered himself, as a federal officer, accountable to the State since erected; but if any thing is due from him, he is entirely willing the State should have it. He kept his accounts and vouchers until called on by Mr. Elijah A. Moore, agent for the State, a few years ago, to whom he delivered them, as well as he now recollects.

Mr. More stated that Mr. Sterrett had made a mistake of one or perhaps two hundred dollars in calculation of interest, and that Mr. David G. Eller, who had given two receipts for \$500 each, had stated that both receipts were given for the same money. I replied to Mr. More that Mr. Eller was an honest man, and that I felt inclined to credit any statement he would make about it. Taking for granted the mistake in interest, and the receipt of letter, from whom I never received any communication, verbal or in writing, there would appear to be a balance received over expenditures of \$700. I then stated to Mr. More, that I had a fair claim to double that amount, for compen-

sation and trouble, which I always intended to submit to the liberality and justice of the legislature of the Territory and State for whom I had acted. I was, when Mr. More called on me, a member of Congress, and while at Washington, in 1842, I received the first intimation that a suit had been brought and decree rendered against me for \$700, of which I had received no notice, except a constructive one. As it was not in my power to come here to have the matter examined by the legislature at their session of 1842, I addressed a letter to my friends, Mr. Cross and Col. Sevier, with a request that they would lay my communication before your honorable body, which they did, and my letter with their letters are now respectfully submitted.

My letter contains, I verily believe, a full and fair view of all the facts of the case. My impression then was, and still is, that the case should be submitted to the decision of men to be chosen by the State and myself. I can now open the decree, as no process was served on me, by bill of review or answer, and I think defeat the claim; but I prefer injustice to myself to any imputation that I have withheld justice from the people of this country. Since I came here, this winter, I have been for a time unwell, and had some difficulty in finding the letter laid before you at your last session. As your session will soon close, and my private business calls me to Kentucky, I have to request that a joint committee may be appointed to adjust the whole matter between us. I prefer to confide in the justice and liberality of the legislature, than to protract a controversy both mortifying and unpleasant to one who has, with the utmost fidelity, availed himself of every opportunity to advance the interest and welfare of this people.

Gov. Yell, I am persuaded, was actuated by no unkind feelings to me, but actuated from a sense of duty, and in obedience to the requisitions of law.

All of which is respectfully submitted.

JOHN POPE.

LITTLE ROCK, January 1st, 1845.

REPORT

OF THE

COMMITTEE ON THE JUDICIARY.

MR. SPEAKER:

The committee on the judiciary, to which was referred the message of the Governor, communicating to the General Assembly certain resolutions of the legislature of South Carolina, and other documents transmitted to him by the Governor of that State, concerning an agent sent by the State of Massachusetts to South Carolina to enquire into the condition, and prosecute suits there in behalf of certain persons alleged by the former to be her citizens, and imprisoned by the latter without the allegation of any crime, have instructed me to report, that in the opinion of said committee, no further legislation upon the subject of such police regulations, is at present necessary in this State; but the committee recommends the adoption of the following resolutions, to wit:

1. *Resolved by the General Assembly of the State of Arkansas,* That free negroes and mulattoes are not citizens of the United States, within the meaning of that clause of the constitution, which guarantees to citizens of one State, the privileges and immunities of citizens in the several States.

2. *Resolved,* That the right to exclude from its territory by legislation, seditious persons, or any other class of persons, whose presence may be dangerous to its peace, is essential to every State, and may be efficiently exercised.

3. *Resolved,* That all legislative acts, in a republican government, should be freely submitted to the test of constitutional scrutiny.

Amend by substituting the following:

Resolved by the General Assembly of the State of Arkansas, That free negroes and mulattoes are not citizens of the United States, within the meaning of the constitution, which guarantees to citizens of one State the privileges and immunities of citizens of the several States.

2. *Resolved,* That the right to exclude from its territory by legislation, or any other means which the exigency of the case may demand, seditious persons, or any other class of persons, whose presence may

be dangerous to its peace, is essential to every State, and may be efficiently exercised.

3. *Resolved*, That we approve of the prompt and decisive course pursued by South Carolina, in expelling the emissary sent by the State of Massachusetts, to reside within her territorial limits, for the purposes and intentions avowed by said emissary.

4. *Resolved*, That we view the conduct of the Massachusetts legislature in thus attempting to interfere with the domestic institutions of the southern States, as acting with the abolitionists, and tending to destroy the peace and quiet of our citizens, and should be promptly met and rebuked by all lovers of good order, and more particularly by the slave holding States.

Resolved, That should Massachusetts or any other State or government, prompted by the same motives which actuated Massachusetts in sending her emissary to South Carolina, think fit to send an agent for like purposes to this State, his excellency the Governor of this State, is hereby authorized and required to take the most prompt and efficient means of freeing this State of so dangerous and unworthy an agent, and that the legislature will sustain the executive in any measures he may adopt for the purposes aforesaid.

JOHN S. RGANE, *Crawford*.

AMEND. -- *Resolved*, That a copy of these resolutions be sent to the Governor of South Carolina, and to the Governor of all other States in this Union.

DUVAL, *Crawford*.

Resolved, That any person coming within the limits of any slaveholding State, for the purpose of calling in question laws, which are deemed essential to the protection of private property guaranteed by the constitution of the United States, and thereby endangering the peace and safety of their domestic institutions, should be met with prompt and decisive resistance.

STRAIN,

EXECUTIVE DEPARTMENT,
Little Rock, Dec. 27th, 1844. }

*Gentlemen of the Senate and
House of Representatives:*

I submit for your consideration and such legislative action as you may deem proper, the enclosed communication received by last mail, from the executive of the State of South Carolina, together with the report of the action had by the legislature of that State, upon a subject of vital importance to the interest of all the slave holding States; and recommend the adoption of suitable resolves, expressing the views entertained by the people of Arkansas, and of their representatives now assembled, upon the subject embraced in the communication, and the passage of such laws for the maintenance of the police regulations of this State, as you may, in your legislative capacity, consider necessary.

THOS. S. DREW,

STATE OF SOUTH CAROLINA.

GOVERNOR'S MESSAGE, NO. III.

EXECUTIVE DEPARTMENT,
Columbia, 30th November 1844. }

*Gentlemen of the Senate
and House of Representatives :*

The accompanying communication was received by the last mail, and I deem it proper that it should be laid before you for your information. It will be seen that the State of Massachusetts has appointed a special agent to reside in this State, for the purpose of contesting, by a series of law suits, a long standing law of a peculiar character, which is deemed of vital importance to the security of our property, and the peace of our citizens. She has also appropriated a fund for the purpose of defraying the expenses of the litigation. These facts I gather only from the communication of her agent, which is transmitted to you. I have received no notification from the authorities of the State. It is for you to determine whether any, and what measures should be taken to maintain the police regulations of this State within her limits.

J. H. HAMMOND.

CHARLESTON, 20th Nov. 1844.

SIR:—Your excellency is already informed of remonstrances made by the Commonwealth of Massachusetts against the arrest and imprisonment of her citizens in South Carolina, against whom the commission of no crime is alleged. The legislature of Massachusetts has recently passed a resolve, authorizing the Governor of that State to appoint an agent "for the purpose of collecting and transmitting accurate information respecting the number and the names of citizens of Massachusetts who have heretofore been, or may be, during the period of the engagement of the agent, imprisoned without the allegation of any crime." The agent is also authorized to bring and prosecute one or more suits in behalf of any citizen that may be so imprisoned, at the expense of Massachusetts, for the purpose of having the legality of such imprisonment tried and determined in the supreme court of the United States.

The Governor of Massachusetts has appointed me agent of that State, to execute the purposes above mentioned ; and I arrived in this city this morning, for that purpose. I do not know that your excellency will consider it proper in any way to notice this subject, yet propriety seemed to require this communication.

With great respect, your excellency's ob't serv't,

SAMUEL HOAR.

To his excellency, J. H. HAMMOND, Gov'r S. Carolina.

IN THE HOUSE OF REPRESENTATIVES, Dec. 5, 1844.

Mr. DeSaussure, from the committee on federal relations, to whom was referred message No. 3 of his excellency the Governor, and the communication of Samuel Hoar, submitted the following report, which was read, and ordered to be considered immediately :

The committee on federal relations, to whom was referred the communication of his excellency the Governor, transmitting a letter addressed to him by Samuel Hoar, an agent of the State of Massachusetts for certain purposes, submit the following report :

By an act passed on the 19th day of December, 1835, the General Assembly endeavored to guard against the introduction of free negroes and persons of color into this State, upon principles of public policy, affecting her safety, and her most vital interests. The right of excluding from their territories conspirators against the public peace, and disaffected persons whose presence may be dangerous to their safety, is essential to every government. It is everywhere exercised by independent States, and there is nothing in the constitution of the United States which forbids to South Carolina the right, or relieves this legislature from the duty, of providing for the public safety.

Massachusetts has seen fit to contest this right, and has sent an agent to reside in the midst of us, whose avowed object is to defeat a police regulation essential to our peace. This agent comes here, not as a citizen of the United States, but as the emissary of a foreign government, hostile to our domestic institutions, and with the sole purpose of subverting our internal police. We should be insensible to every dictate of prudence, if we consented to the residence of such a missionary, or shut our eyes to the consequences of his interference with our domestic concerns.

The union of these States was formed for the purpose, among other things, of ensuring domestic tranquility, and providing for the common defence ; and in consideration thereof, this State yielded the right to keep troops or ships of war, in time of peace, without the consent of Congress ; but while thus consenting to be disarmed, she has, in no part of the constitutional compact, surrendered her right of internal government and police ; and, on the contrary thereof, has ex-

pressly reserved all powers not delegated to the United States, nor prohibited by it to the States.

The State of Massachusetts denominates as citizens, those persons for whose protection her tender solicitude has devised this extraordinary mission. Yet if it were admitted that they are citizens of that State, your committee cannot suppose that she will challenge for them greater rights, immunities and privileges, within our territories, than are enjoyed by persons of the same class in South Carolina. But your committee deny that they are citizens, within the meaning of the constitution; nor did Massachusetts herself treat as citizens, persons of this class residing within her limits, either at the adoption of the constitution, or since; but, on the contrary, they were subjected to various disabilities, from which her other inhabitants were exempt.

Your committee cannot but regard this extraordinary movement as part of a deliberate and concerted scheme to subvert the domestic institutions of the southern States, in plain violation of the terms of the national compact, and of the good faith which ought to subsist between the parties thereto, and to which they stand solemnly pledged.

Your committee recommend the adoption of the following resolutions:

Resolved, That the right to exclude from their territories, seditious persons, or others whose presence may be dangerous to their peace, is essential to every independent State.

Resolved, That free negroes and persons of color are not citizens of the United States, within the meaning of the constitution, which confers upon the citizens of one State the privileges and immunities of citizens in the several States.

Resolved, That the emissary sent by the State of Massachusetts to the State of South Carolina, with the avowed purpose of interfering with her institutions, and disturbing her peace, is to be regarded in the character he has assumed, and to be treated accordingly.

Resolved, That his excellency the Governor be requested to expel from our territory the said agent, after due notice to depart; and that the legislature will sustain the executive authority in any measures it may adopt for the purpose aforesaid.

Resolved, That the Governor be requested to transmit forthwith to the Governors of the several States and territories, a copy of his message, No. 3, to this legislature, communicating the letter of Samuel Hoar, agent from the State of Massachusetts, and also a copy of the report and resolutions of the committee on federal relations of the House thereon, which has been agreed to by both branches of the legislature.

I hereby certify, that the above resolution was agreed to in the Senate and concurred in by the House of Representatives.

THOMAS W. GLOVER, *Clerk*
House Representatives.

HOUSE OF REPRESENTATIVES, Dec. 6, 1844.

EXECUTIVE DEPARTMENT,
Columbia, South Carolina, Dec. 6, 1844. }

SIR—I have been requested by the legislature of this State, to transmit you the above message, and report and resolutions.

I have the honor to be, very respectfully, your ob't serv't,

J. H. HAMMOND.

To his Excellency the Governor of Arkansas.

REPORT

OF THE

COMMITTEE ON CLAIMS,

ON

WOODRUFF'S MEMORIAL.

The committee on claims, to whom was referred the memorial of William E. Woodruff, and the memorial of Lemuel R. Lincoln and sundry citizens, in support thereof, praying to be relieved of the further prosecution of a claim against him in favor of the State, in respect of certain matters growing out of the discharge of his duties as State treasurer, thereof; have had the same under consideration, and after a thorough investigation of the subject, and of the facts and circumstances connected therewith, ask leave to make the following report:

That on the first day of October, A. D. 1836, William E. Woodruff, was elected treasurer, of this State, and on the 27th day of the same month, was commissioned, qualified, and entered upon the discharge of the duties of his office. By the previously existing territorial laws, and which were in the schedule of the constitution, continued in force until they should be altered or repealed by the General Assembly of the State, in regard to the redemption of lands for the non-payment of taxes, the auditor and treasurer were allowed certain fees and commissions; the amount of commissions allowed to the treasurer being ten per cent. upon all sums paid into the treasury for the redemption of lands.

By the act of the General Assembly, passed on the 3d day of October, A. D., 1836, the salaries of the auditor and treasurer were fixed at \$700 per annum, and by the act approved October the 27th, 1836, the treasurer was required to give bond in the sum of \$300,000 for the faithful performance of the duties of his office. By the act of the General Assembly of the 29th October, 1836, it was made the duty of the treasurer, to receive from the secretary of the treasury of the United States, the proportion of the surplus revenue coming to this State under the act of Congress, of the 23d of June, 1836.

That during the winter, spring and summer, of the year 1837, and during the recess of the General Assembly, Mr. Woodruff, treasurer, received at Little Rock, divers transfer drafts, drawn by the treasurer of the U. States, upon banks at Natchez, in the State of Mississippi, on account of the surplus revenue coming to this State, being the instalments falling due in January, April and July, 1837—and amounting altogether, to the sum of \$286,575 49. With the exception of the July instalment, amounting to 95,583 83, the whole of that fund was actually collected by Mr. Woodruff, and the July instalment, was by him, turned over to, and received by the bank of the State of Arkansas; some time in the month of August, 1837, after he had demanded payment of the drafts in gold or silver, of the banks at Natchez, on which they were drawn; and were subsequently collected in the notes of the Natchez banks, by the bank.

Without entering into the details of this transaction, the committee are satisfied from their investigation, that Mr. Woodruff collected the surplus revenue fund, at great personal risk, anxiety, and inconvenience, during a period of general bank suspension and panic which pervaded the country—in gold or silver; and in bank paper equivalent thereto, for all practical purposes of trade and commerce; and without loss to the State. One of the expedients to which he resorted to effect this result, was, to proceed to Washington city, and procure from the secretary of the treasury, other transfer drafts on Cincinnati, Louisville and New Orleans, to the amount of \$100,000 in substitution for that amount of drafts on the Agricultural bank of Natchez, which that bank, on his application, had refused to pay in gold or silver. The committee find, that during the years, 1836, and 1837, the redemption of lands adopted as a system, under the territorial laws, had greatly increased, thereby imposing additional duties upon the auditor and treasurer. The amounts received by Mr. Woodruff, as treasurer, during the fiscal year, ending on the 31st of October, 1837, for redemption of lands was \$21,004 35, upon which he claimed a commission of ten per cent. amounting to \$2,100 43.

The amount claimed by Mr. Woodruff, for actual and unavoidable expenses, in collecting and transporting the surplus revenue fund, amounted to the sum of \$595, of which the sum of \$294 75 has never been allowed to him, making the aggregate sum of \$2,395 18, for which suit has been instituted against him by the State, and for which he now seeks relief. The committee are satisfied, that the memorialist is entitled to relief, upon one or the other of two grounds.

First. That the law allowing the treasurer 10 per cent. commission, was only repealed by implication, and without any such intention in point of fact, by the act of October 3d, 1836, fixing salaries.

And Second. Upon the ground of compensation for the extraordinary duties performed by him.

In support of this proposition, the committee refer to the following facts. The territorial laws concerning the redemption of lands were necessarily continued in force under the State organization, to enable the auditor and treasurer to carry those laws into execution, or so much of them only, as took away the extra compensation given to those officers was repealed by implication, by the act of 3d of October, 1836, fixing salaries. Such was the conclusion to which the superior court came—in a labored discussion in the case of Woodruff et. al. vs. the State, decided at January term, 1840, and reported in 3d Arkansas Reports, p, 285, while the committee believe, that in point of fact, such was not the intention of the General Assembly, who passed that law, the ordinary duties performed by Mr. Woodruff as treasurer, were certainly greater than those imposed upon any before or since. It devolved upon him to open a new set of books, and settle new points of duty. During the first year, the financial operations of the State were conducted in scrip, drawing interest, to be issued, registered and cancelled, with great particularity. The amount of lands redeemed during that year, 1837, were more than double that of any previous or subsequent year. Until the State bank went into operation in July or August, 1837, he had the personal care and custody of the surplus revenue, of which nearly \$100,000 was in specie.

On the other hand, after the month of December, 1837, the principal operations of the State ceased in a great measure to be conducted in scrip, and by the act in the revised statutes concerning the auditor and treasurer, put in force by the act of December the 14th, 1838, the treasurer was relieved of all personal responsibility and risk, attending the custody of the public monies—by being required to deposite them in the State bank, and by the same act, the special bond of the treasurer was reduced from \$300,000 to \$150,000, his salary increased from \$700 to \$1,000, and by the act of the 3d March, 1838, (Rev. Stat. p. 398, sec 21) regulating the fees of the auditor and treasurer, the treasurer was allowed a commission of five (5) per cent. on all moneys received for the redemption of lands.

The committee have also ascertained that the treasurer, who was Woodruff's immediate predecessor, and who continued in office after the passage of the law of October 3d, 1836, until the 27th day of October, of the same month, received his salary under that law, and continued to charge 10 per cent commission upon all monies received by him during that period, for the redemption of lands, and retained the same out of the public monies, which he turned over to his successor, Mr. Woodruff, and that the auditor, whose perquisites and fees of office were cut off in the same manner, and to the same extent, by the law of 3d October, 1836, continued after the passage of that law, to

charge and receive the fees allowed to him by the previous territorial laws, concerning the redemption of lands.

Taking all the facts into consideration, the committee are irresistably led to to the conclusion, that it was not the intention of the General Assembly who enacted the law of the 3d October, 1836, to repeal the then existing laws, allowing fees and perquisites to the auditor and treasurer, but that it was designed by that act to fix the amount of their regular salaries.

Upon the second ground, upon which Mr. Woodruff's claims for relief are based, the committee are clearly of the opinion, that in addition to the ordinary duties imposed upon him by law, the services rendered by him in respect of the surplus revenue fund, were of an extraordinary character.

By the act of October 29, 1836, it was made the duty of the treasurer to receive the surplus revenue from the secretary of the treasury of the United States—that law did not contemplate that the treasurer should leave his official duties at home, and proceed abroad to collect that fund; but in the absence of any agent, and supposed absence of authority on the part of the Governor to appoint one, he took the responsibility of collecting that fund, and discharged it in a manner entirely satisfactory and advantageous to the State.

The committee are satisfied with the reasonableness of the charge of \$595, for actual expenses incurred by him in collecting and transporting the money. The committee also find, that he paid to the person who discharged the duties of treasurer, during his absence from the State on that business, the sum of \$134 29, being the pro rata deduction from the salary of the auditor or treasurer, in case of their absence from the State, contemplated by sec. 12 and 13, of the act regulating the duties of the auditor and treasurer, approved, October 27, 1836.

In view of all these circumstances of the case, the committee have settled upon the following, as the basis of the relief which they recommend should be extended to the memorialist.

They propose to allow him 5 per cent. on all monies received by him for redemption of lands, during the fiscal year, ending 31st October, 1837, amounting to \$1,052 15, and the further sum of \$1,029, as extra compensation in collecting, transporting and safe keeping of the surplus revenue fund, and which last item is meant to include the sum of \$294 75, for actual expenses not heretofore allowed, and also, the sum of \$134 25, paid by him to the person who discharged the duties of treasurer, during his absence, making altogether, the sum of \$2,081 15, which the committee recommend be allowed to him as of the 1st day of November, 1837.

And in accordance with these views, the committee ask leave to report the following bill, to be entitled "an act for the relief of William E; Woodruff."

WM. H. SUTTON, *Chairman.*

J. C. SUMNER,
J. B. WILSON,

H. K. BROWN,
G. W. SANDERS, jr.

PETITION
IN SUPPORT OF THE MEMORIAL OF WILLIAM E.
WOODRUFF.

To the General Assembly of the State of Arkansas:

Unto your honorable body, the undersigned, your petitioners respectfully represent:

That we have examined the memorial of William E. Woodruff, heretofore presented, and now, under consideration before your honorable body, for relief, in respect of certain matters, growing out of the discharge of his duties as late treasurer of this State, and are cognizant of the facts set forth therein, and that we consider him, upon one or the other of the grounds set forth in said memorial, to be justly and equitably entitled to the relief sought thereby, and we pray your honorable body, to grant the petition of said William E. Woodruff, in the premises.

And your petitioners will ever pray.

GEO. C. WATKINS,
JOHN J. CLENDENIN,
R. W. JOHNSON,

I have examined carefully, the memorial of William E. Woodruff, within mentioned, and knowing the facts as therein stated, to be true, in all things material to show the true ground of his claim to relief; I have no doubt, that he is upon the soundest principles of equity, entitled to relief in the premises, at the hands of the Legislature. A portion of the services rendered by him, were in my opinion unquestionably extra official, as well as onerous and expensive, and certainly not such as were contemplated as devolving upon him as treasurer of the State, when the salary for such officer was prescribed by law in 1836. I allude here to the services rendered by him, in procuring for the State, her quota of the surplus revenue, distributed to, and deposited by the government of the United States, with this State, and transporting the same from places beyond the limits thereof.

In addition, I deem it worthy of remark, that the Legislature never did, by direct enactment, specially repeal the law allowing to the trea-

surer ten per cent. of the amount paid for the redemption of lands forfeited for the non-payment of taxes. The repeal of that law, was by implication only—such per cent. was therefore, considered at that time, by every one, as a perquisite of said officer.

The memorialist, therefore, is, as it appears to me, most clearly entitled to relief, which, according to the existing laws, he cannot obtain, and I trust justice will not be denied to him.

DANIEL RINGO.

Thos. J. Lacy,
Lemuel R. Lincoln,
W. W. Stevenson,
Solon Borland,
Roswell Beebe,
R. A. Watkins,
D. J. Baldwin,
Albert Pike,
Sam. C. Roane,

Chester Ashley,
P. T. Crutchfield,
Wm. Field,
L. E. Barber,
E. L. Johnson,
A. H. Sevier,
E. A. Moore,
E. Cummins,
Benj. J. Borden.

MEMORIAL

OF

WILLIAM E. WOODRUFF.

TO THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS :

The memorial of WILLIAM E. WOODRUFF, late treasurer of the State of Arkansas, respectfully sheweth—

That, on the 1st day of October, 1836, your memorialist was elected treasurer of this State, and, on the 27th day of the same month, was commissioned and qualified, and entered upon the discharge of the duties of his office.

By the act of the General Assembly, passed on the 3d day of October, 1836, the salaries of the auditor and treasurer were fixed at \$700 per annum. Your memorialist subsequently entered upon the arduous duties of the office, with the distinct understanding, that the auditor and treasurer would be entitled to receive the same fees and per centage upon the redemption of lands sold for non-payment of taxes, that had been allowed by previous existing laws. Accordingly, your memorialist, on the settlement of his accounts, as treasurer, up to the 26th October, 1837, charged the State with the sum of \$2,100 43, being the amount of his commissions, at the rate of 10 per cent. on the amount received by him for the redemption of lands; and, with the farther sum of \$595, being the amount necessarily and unavoidably expended by your memorialist, in collecting and transporting the proportion of the surplus revenue coming to the State, under the act of Congress, of the 23d June, 1836, and which, by the act of the General Assembly, of the 29th October, 1836, it was made the duty of your memorialist, as treasurer, to receive from the secretary of the treasury of the United States. The General Assembly, at the special session of 1837–38, upon examination of the account of your memorialist, rejected and refused to allow the amount of per centage charged by him for redemption of lands, and, of the charge of \$595, for collecting the surplus revenue, they allowed only the sum of \$300 25—refusing to allow the residue of \$291 75. The General Assembly, by resolution of the 28th February, 1838, instructed the committee on the auditor's and treasurer's books to enter upon the treasurer's books an order, directing him to pay over into the State bank, to the credit

of the State, the sum of \$2,100 43, the sum retained by the treasurer, as commission of ten per cent. upon the amount paid into the treasury for the redemption of lands; and, also passed an act, entitled "an act making certain appropriations," approved March 5th, 1838, declaring "that William E. Woodruff, treasurer of this State, shall *pay twenty-five per cent. per annum* on the sum of \$2,395 18, *or such sum as shall be found due the State*, by the decision of some competent judicial tribunal," &c., from the 26th October, 1837, until the same shall be paid over, &c.; and, by the act of the 13th December, 1838, the General Assembly of that year required the prosecuting attorney of the fifth judicial circuit to bring suit against your memorialist, as late treasurer, on his official bond, for the said sum of \$2,395 18.

Upon the institution of that suit, your memorialist interposed, as his defence, first, his legal right to retain the sums as charged in his account current with the State; and, second, a claim of off-set against the State, for extraordinary services rendered, and expenses incurred, in collecting and transporting the surplus revenue coming to the State. The cause, in due course of law, was carried up to the supreme court, the tribunal of the highest and last resort known to the constitution, for adjudication. The supreme court, at the January term, 1841, while they intimate broadly, in their opinion, that the case, as presented upon the record, was one of *extreme hardship* upon your memorialist, and that the duties imposed upon the State treasurer were, at the time, onerous, and the responsibility great, decided, that the act of the 3d October, 1836, fixing salaries, repealed the previous laws on that subject, and that the treasurer [and auditor] could not, therefore, lawfully receive any other compensation than the salary of \$700, allowed by the act of the 3d October, 1836. At the same time, the court declared, that so much of the act of the 5th March, 1838, entitled "an act making certain appropriations," as enacted that William E. Woodruff, treasurer of this State, shall pay 25 per cent. per annum on the sum of \$2,395 18, &c., from the 26th day of October, 1837, until the same shall be paid over to the bank of the State of Arkansas, *to be unconstitutional and void*. There was no question before the supreme court upon the second ground of defence or plea of set-off, interposed by your memorialist, and the supreme court intimate no opinion upon that part of the case, which was remanded to the Pulaski circuit court, where the same is still pending, and stands for trial upon the question of fact, to be tried upon the plea of set-off.

Your memorialist, not only on his own account, but for the honor and dignity of the State, most respectfully asks your honorable body, to do him that justice, and afford him that relief, in the premises, to which he feels himself so clearly entitled. It is unnecessary, and might be improper, for your memorialist to urge, that the acts and resolutions before referred to, show, on their face, to have been the result of partizan, political or personal ill-feeling; but he fully believes that the General Assembly, or the majority who passed them, intending

to do justice, acted without thorough information and advisement; and your memorialist would now call the attention of your honorable body to the facts attending the case, which he presents for your consideration.

Your memorialist entered upon the duties of his office soon after the inception of the State government, when it was the more arduous, because many points of duty had to be, for the first time, settled, and an entire new set of books to be opened.

The act making it the duty of the State treasurer to receive the surplus revenue from the secretary of the treasury, neither pointed out the *way how*, or the *time when*, or the *place where*, it should be received; nor did it make any provision for *paying the expenses* of receiving or collecting the money, or for compensating the officer whose *duty* it was made to receive it. The act was passed *after* your memorialist had entered upon the discharge of the duties of the office, and it was not in his power to shrink from their performance. When the transfer drafts came on, in the recess of the General Assembly, drawn upon banks in Natchez, during the winter and spring of 1837, when the banks, from Maine to Louisiana, were failing, and consternation pervaded the country, your memorialist, as State treasurer, was called upon to take the dangerous responsibility of collecting that fund, at the risk of ruining himself and his securities. He might have remained at home, and, in the language of the act, insisted that it was simply his duty to *receive* the money, at the hands of the secretary of the treasury of the United States, and called upon the secretary to place the fund at the disposal of your memorialist, in this city, or at some point in this State. But, by such a course, the fund, or a large portion of it, might have been lost, and your memorialist might have subjected himself to public indignation, however misdirected. There was no time for deliberation. Your memorialist promptly proceeded to Natchez and New Orleans, and, a few days after his return, hearing that the banks at Natchez had suspended specie payments, he was compelled to make a second trip to that place, and thence to Washington city, where he procured the secretary of the treasury to substitute new drafts, to the amount of \$100,000, in lieu of those on the broken banks at Natchez, and, by various arrangements, at great personal risk and responsibility, your memorialist succeeded in collecting and transporting to this place, the whole of the surplus revenue coming to this State, and amounting to the sum of \$286,575 49. For the successful accomplishment of this arduous duty, at a period of the greatest and most general financial derangement and difficulty known to the history of the country, without the loss of a cent to the State, and to the great detriment of his private affairs, the account of your memorialist, for actual and unavoidable expenses, was only \$595. According to the usual rates of freight and insurance upon money; or, according to the per centage and mileage allowed, at the time, by the United States, to the receivers of public moneys who make deposits at a distance; or, according to the allowances made to the commissioners for the banks of this State; the surplus revenue fund could not have been

collected and transported at a less expense to the State than \$5000.

Your memorialist was under bond to the State in the enormous sum of \$300,000. For a considerable time before the State bank went into operation he had the personal care and custody of the public money, including the surplus revenue, of which over \$90,000 was in specie. The business of the State was chiefly conducted in *scrip*, which had to be issued, and received, and cancelled, with great particularity.—The fixed salary of the treasurer was only \$700; deduct from this the sum of \$294 75, of actual expenses rejected, and the farther sum of \$134 25, paid out of his salary to the person who performed the duties of treasurer during his absence on official business, and it leaves to your memorialist only the paltry sum of \$271, which is all the remuneration he has received for the arduous and responsible duties, ordinary and extraordinary, imposed on him, at a time when every species of property and labor were at the highest rate.

The supreme court, looking only to the face of the law, came to the conclusion, that the act of 1836, fixing the salaries of the auditor and treasurer at \$700, intended to cut off all other compensation.—But your memorialist knows that, in point of fact, such was not the intention of the members of that General Assembly; and, in proof of this, he would call your attention to subsequent acts upon the same subject.

It will be seen, then, that, by the act of December, 1837, the Governor was authorized to borrow from the bank of the State, \$50,000, to be paid into the State treasury, for paying the current expenses of the State: and so, in like manner, the Governor was authorized, by the act of 3d March, 1838, to borrow \$50,000, for the payment of the expenses of the State in the year 1838; thus relieving the State treasurer from one of his most laborious and intricate duties—that of carrying on the financial operations of the State by issuing *scrip*, drawing interest, to be registered, and subsequently cancelled, with the same degree of particularity. By the act in the revised statutes, concerning the auditor and treasurer, put in force by the act of the 14th December, 1838, it is made the duty of the treasurer to deposite all moneys belonging to the State, which may come into his hands, within ten days after the receipt thereof, in the bank of the State of Arkansas; thus relieving the treasurer from all responsibility for the loss or destruction of the public funds, while so in deposit, and from that anxiety and watchfulness which the personal custody of those funds would occasion: and yet, by the same act of December, 1838, the official bond of the treasurer was *reduced* from \$300,000 to \$150,000; his salary *increased* from \$700 to \$1,000; and, by the act of 3d March, 1838, (Rev. Stat. p. 398, sec. 21), the treasurer is allowed a commission of five per cent. on all sums received by him for the redemption of lands sold for taxes—without, however, giving it a retrospective operation, so as to allow your memorialist *even that per centage* on the amount paid into the treasury for the redemption of lands, from the time he entered on the duties of the office until the passage of that act, a period

of more than sixteen months, during which he received over \$21,000, on which he has received no commissiion.

When it is recollected that the immediate predecessor of your memorialist in the office of treasurer, *after* the passage of the law of 3d October, 1838, affixing salaries, and *up to the time* when your memorialist was commissioned and qualified, charged, *and was allowed*, by the *same General Assembly*, the commissiion of ten per cent. upon moneys received for the redemption of lands; and that the auditor of public accounts, whose right to perquisites and fees of office is cut off in precisely the same manner, and to the same extent, as that of the treasurer, if the construction claimed for the act of October 3d, 1836, be correct, continued always, after the passage of that act, to charge and receive, in his official capacity, over and above the fixed salary of \$700, which it allowed, all the extra compensation and fees allowed the auditor* [and treasurer], by previous existing laws, in regard to the redemption of lands, without censure or investigation, your memorialist is stung by the reflection, that the injustice done him has been the more marked and signal.

Your memorialist, in conclusion, invites a thorough investigatton of the matter he now presents, and prays your honorable body to take such action in the premises, that the account of your memorialist, as late treasurer of the State of Arkansas, as stated and rendered up to the 31st day of October, 1837, may be approved and allowed, and the suit of the State now pending in the Pulaski circuit court, against your memorialist and his securities, on his official bond, for the sum of \$2,395 18, be discontinued.

And your memorialist, as in duty bound, will ever pray, &c.

WM. E. WOODRUFF.

LITTLE ROCK, Nov. 16, 1844.

*As an act of justice to the auditor, it is proper that I should state, that the extra compensation and fees here alluded to, were received by him from the persons who redeemed lands, and therefore, were not paid out of the State treasury.

RESOLUTION.

Mr. Bertrand moved that the letter of Fred. Huth & Co., to the Governor, and the memorial of Fred. Huth & Co. and others, be referred to the committee of ways and means, with instructions to report, &c.

REPORT

MR. SPEAKER :—The standing committee on ways and means, to whom was referred, on motion of Mr. Bertrand, the letter of Fred. Huth & Co. to the Governor, and the memorial of Fred. Huth & Co. and others, to the Senate and the House of Representatives, of the State of Arkansas, with instructions to report &c., have had the same under consideration, and in compliance with said instructions, beg leave to report :

That for our intentions to comply with our engagements, we would refer the memorialists to a preamble and resolutions, submitted by this committee, and adopted by this General Assembly, on a previous day of the present session, upon the subject of our State bonds, the committee are further of opinion, that the 21st section of an act of the Legislature, placing the bank of the State of Arkansas, in liquidation, approved the 31st of January, 1843, guards the interest of the bond holders, and provides as well for the payment of the interest on our bonds, as any your committee would be able to suggest, to which we would also refer the memorialists for information on that subject, and as the said memorialist appear to understand and be satisfied with the condition of the Real Estate bank, the committee deem it unnecessary to add any thing on that subject.

All of which is respectfully submitted.

JAMES B. LOGAN.

LETTER AND MEMORIAL

FROM ARKANSAS BOND HOLDERS, REFERRED TO IN THE MESSAGE.

To his Excellency,

the Governor of the State of Arkansas :

SIR—We the undersigned, holders of bonds of the State of Arkansas, take the liberty of calling the attention of your excellency to the serious loss and inconvenience arising to us, and to a number of our constituents, who have invested their capital in these bonds at our suggestion, from the non-payment of the interest thereon, which has now been left in suspense for several years, no dividend having been paid since the 1st July, 1841.

These bonds were created by an act of your Legislature passed after mature deliberation, and duly sanctioned by the executive, for the purpose, as we were informed, of aiding your banking institutions, and developing the resources of your State, the natural advantages, of which were known to us to be equal to those of any section of your fertile country.

Feeling confident, from these facts, and from our high appreciation of the character and intelligence of the American people that engagements so based, would be at all times religiously fulfilled we not only embarked our own property in these bonds to a considerable extent, but also recommended them strongly to our friends in this country, and on the continent of Europe, as an investment, the perfect safety of which could not admit of a doubt. Many of the persons who have thus invested their capital, are dependent for their subsistence on the punctual payment of the interest, and we fear the inconvenience and distress arising from a want of regularity in this respect, has not hitherto been sufficiently appreciated on your side of the Atlantic; it cannot be too strongly described.

It is therefore a matter of deep anxiety to us, that prompt and efficient means should be taken to provide for the arrears of interest, and to assure its punctual payment hereafter. For this purpose we have drawn up a memorial to your Legislature, of which we beg leave to enclose a copy, and towards this object, we also venture respectfully to solicit your excellency's powerful influence and co-operation, which we confidently rely, will not be withheld, when the result will not only relieve the numerous and respectable persons whom we represent, from difficulties and want, but also eminently redound to the honor and credit of the State, in the government of which, your excellency fills so prominent a station.

We have the honor to be, sir, your excellency's very humble and obedient servants,

FRED HUTH & Co.

JOSEPH HUME, M. P.

JOSEPH HUME, *for*

ROBERT LAW *and others.*

PALMER MARKILLASS DENT & Co.

NOUIRN, ZOLART & MURROCTO.

LONDON, 29th August, 1843.

*To the Honorable the Senate and House
of Representatives of the State of Arkansas :*

The memorial of the undersigned, holders of bonds issued by the State of Arkansas in favor of the Real Estate bank and the bank of the State of Arkansas, respectfully sheweth :

That your memorialists were invited in the year 1839, to become purchasers of the bonds of the State of Arkansas, issued in virtue of an act of your honorable body, which, they were informed, had been passed after mature deliberation; and duly sanctioned by the executive; the proceeds of these bonds were intended, as the act stated, to aid the banking institutions of the commonwealth, and to develope the resources, which your memorialists knew to be of the highest order. That as a further argument to inspire confidence in the perfect safety of these bonds, it was stated to your memorialists, that the Government of the United States had invested a large amount of Trust money in the same stock, and that the whole debt of the State of Arkansas, did not exceed three millions of dollars, that the interest on this loan could at all times be easily raised, and that no new loans would be necessary, as the natural advantages of communication throughout the State were such as to render rail roads and canals superfluous.

That upon these representations; and, with a full reliance on the high character, and the intelligence pervading all classes of the American people, your memorialists were induced to invest a large portion of their property in the bonds of your State, at full prices, and also recommended these bonds to their friends in this country and on the continent of Europe, as an investment of the most undoubted safety.

That many of the persons who have thus invested their money in the aforesaid bonds are dependent for their subsistence on the punctual payment of the interest, having few or no other sources of income.

That your memorialists, after receiving their dividends with great regularity up to the first of July, 1841, have not, since that period received any portion of the interest due to them, although the agents with whom the dividends had been made payable, had written to the Treasurer of the State of Arkansas, to acquaint him with their appointment, and to recommend punctuality in his remittances for the said dividends, as the only means of preserving and increasing the confidence in the European public in these securities.

That your memorialists have no official information of the causes of this disappointment, nor any means of judging when the payment of the interest will be resumed, and that in the mean time they are not only themselves suffering considerable inconvenience, but are unable to satisfy the numerous enquiries from constituents abroad, some of whom are involved in serious difficulties in consequence of the non-payment of the said dividends.

That your memorialists, whilst deeply lamenting the financial embarrassments of your country, of which the State of Arkansas appears unfortunately to have had its share, are unshaken in their confidence in the perfect safety of all engagements for which the faith of that

State is pledged, and in this confidence they have hitherto patiently waited for the action of your honorable body in regard to the aforesaid bonds; they have learned with satisfaction that as far as the bonds issued in favor of the Real Estate Bank are concerned, the interest thereon is to be provided from the assets of that bank, in a certain rotation fixed by a deed of interest executed for that purpose under judicial sanction.

Your memorialists have also learned with much gratification that many influential persons in the State of Arkansas have, on various occasions, expressed the most honorable opinions in regard to the public debt, and the necessity of providing for it, and that the same sentiments are entertained and powerfully advocated by the Honors the judges of the courts of the State, whose views—from their independent station and acknowledged learning—seems peculiarly entitled to respect in a case involving public obligations.

Under these circumstances your memorialists on the one hand, fully appreciate the difficulties in which your country has been so unexpectedly and overwhelmingly involved, and they no less appreciate the honorable motives and feelings which influence the people of Arkansas, but on the other hand they consider it a duty which they owe to themselves and to their constituents, to lay the case before your honorable body, as one of the most serious import to a numerous class of persons, who, at a great distance, and with no means of investigating your local or internal arrangements, but confiding in the institutions of your country and the character of your people, have staked their property upon the solemn engagement which the bonds in question purport to set forth, and who now suddenly, and undeservedly find themselves deprived of their income, and exposed to inconvenience and want. On the part of these their constituents, as well as on their own part, your memorialists beg leave respectfully but earnestly to entreat the special and immediate attention of your honorable body to the prompt payment of the interest on the aforesaid bonds, and they venture to hope that, independent of the share to be eventually derived from the assets of the banks—the collection of which would appear uncertain and precarious—measures will be adopted to raise the necessary funds from such other sources as your honorable body may deem proper, and that the funds so obtained, in proper time as they are collected, will be rateably applied to the holders of the coupons of the aforesaid bonds now due, until the whole of the arrears are paid off.

And your memorialists as in duty bound, will ever pray.

FRED HUTH & Co.

PALMER MARKILLASS DENT & Co.

JOSEPH HUME, M. P.

JOSEPH HUME, *for*

ROBERT LAW, HANES, HIBBARD *and others.*

NOUIRN ZOLARTE & MURROCTO.

LONDON, 20th August, 1843.

PREAMBLE AND RESOLUTIONS

(Offered by Mr. RUST, and should have been inserted in page 151, of the House Journal; but having been arranged, by the clerk, among the copy of the Appendix, as furnished the Printer, they were not found at the proper time, and are inserted here, of necessity.)

WHEREAS, from the peculiar style of the report made by the committee to whom was referred the petition of the Hon. A. H. Sevier, and certain resolutions in relation thereto, the arguments used in that report, and its reflections upon the last legislature, many members of the present General Assembly, having entire confidence in the probity and honor of said Sevier, and of his innocence of the charges contained in the report to which the petition aforesaid referred, from the causes above stated, and for no other reasons, could not vote for that report; therefore,

Resolved, That in the opinion of this General Assembly, from the testimony of the witnesses examined in the investigation of the subject of the sale of certain bonds of the State issued on account of the Real Estate bank, by A. H. Sevier, and the disposition made of the fund received for the same, the said Sevier has, throughout the whole transaction, acquitted himself honestly and honorably of the duties imposed upon him, has been a faithful agent and public servant, and has done nothing whatever which would justify reflections upon his integrity and fair fame.

Be it further resolved, That the Senate be requested to concur herein. RUST.

MESSAGE AND DOCUMENT

CONCERNING THE INTRODUCTION OF ARDENT SPIRITS AMONG THE FRONTIER INDIANS.

EXECUTIVE DEPARTMENT, Dec. 27th, 1844.

To the honorable the President of the Senate,

and the Speaker of the House of Representatives:

I have the honor herewith to transmit to the General Assembly a communication from the War Department, of the 12th instant, in re-

ference to abuses on the western frontier, in the sale of spiritous liquors to the Indian tribes.

I take pleasure in commending to your favorable consideration the suggestions therein made for the passage of an act declaring the introduction of ardent spirits beyond the precincts of the white settlement (within the bounds of the lands sold or advertised by government) to be *prima facie* evidence of intention to sell or to give to Indians, and subjecting the same to confiscation, also making the sale or introduction of spiritous liquors a misdemeanor, and punishable as such. And giving all persons in the employ of the general government, or that of the States, or Territories, full power to seize, confiscate or destroy the article; and to impose a heavy fine upon all persons who sell ardent spirits to Indians, &c.

This subject is of vast importance when considered in reference to the maintenance of peace on the frontier, as it is believed that most of the unhappy difficulties that occur among the Indians, and between them and the white settlers in their vicinity, proceed from the abuse of existing privileges.

Respectfully,

THOS. S. DREW.

WAR DEPARTMENT,
Office Indian Affairs, December 12, 1844. }

SIR—It has ever been the humane policy of the government of the United States to prevent the introduction of ardent spirits among the Indian tribes; but it would appear, from the present state of the whiskey trade, that all the benevolent efforts exerted by this Department, have failed. The Indian agents and sub-agents have done all in their power to put an end to this pernicious traffic; but as their jurisdiction is limited to the Indian country, the Indians are enabled nevertheless to go into the adjoining States and Territories and purchase as much whiskey as they can carry away. By these means, the whole labor and care of the agents are thwarted.

From all sections of the Indian country, complaints are constantly coming up to this office, of the evils attendant on the whiskey trade, and the consequent increased degradation of these unfortunate people. It behooves us to do all that we possibly can to prevent its continuance, and to put a stop to its present destructive course; and I have conceived it my duty to address to you a communication upon this subject, and to request you, as the executive, to lay it before the legislature, in order that they may take the proper action thereon. I would therefore suggest for your consideration the passage of an act declaring the introduction of ardent spirits beyond the precincts of the white settlements (within the bounds of the lands sold or advertised by government), to be *prima facie* evidence of intention to sell or give to Indians, and subjecting the same to confiscation; also making the sale

or introduction of liquor a misdemeanor, and punishable as such; giving all persons in the employ of the government or of the State or Territory full power to seize, confiscate or destroy the article. A heavy fine should likewise be imposed upon all persons whomsoever that sell ardent spirits to Indians, &c., (which in a few cases is now authorized.)

By the passage of such a law in the different States and Territories, much good might be done, as it would enable the military, Indian agents and their subordinates, to check, if not entirely to put a stop to, this nefarious traffic; and I would therefore respectfully urge upon you the reference of this matter to the legislature.

Very respectfully, your ob't serv't,

T. HARTLEY CRAWFORD.

His excellency THOMAS S. DREW,
Governor of Arkansas, Little Rock, Arks.

REPORT

OF THE

SELECT COMMITTEE

ON THE

PENITENTIARY.

MR. SPEAKER:—The select committee who were required, by a resolution of the House, to enquire into the condition of the penitentiary, its management and discipline, and the treatment of the convicts, have performed that duty, and instruct me to report:

That on their visit to the penitentiary, in discharge of their duty, they were struck with the manifest improvement in the appearance of the interior of the place, and the system and order observable in all its arrangements.

Under the vigilant supervision of the present agent, there is now the utmost economy observed in the necessary expenditures, and in all the domestic operations of the establishment; and remarkable improvement has been made in all the departments of mechanical labor; boot

and shoe making, coopering, cabinet making, tailoring, sugar making, blacksmithing, and carriage making, are carried on with great success, and specimens of each, without particular selection, were exhibited to the committee, of good workmanship and finish, and not inferior to the best specimens brought from abroad.

The report of the agent shows that the institution, from various causes, has failed heretofore to sustain itself. It is desirable that this should be remedied; and in the present condition of the finances of the State, it is very important that this should be attained by the most direct and summary process. The principal cause of failure, heretofore, is the want of a cash fund, and the consequent exposure to enormous profits to the important merchant, in the purchase of materials, clothing, and tools. To obviate this, and hasten an event so much to be desired, the committee would recommend the appropriation of two thousand dollars in good funds, to be employed by the agent, under the supervision of the commissioners of the penitentiary, in the purchase of the materials, tools, and the clothing necessary to the comfort of the convicts, on the best terms. With such an appropriation, judiciously invested, and under the control of a vigilant and energetic agent like the present, the committee are satisfied that the institution would soon cease to be a tax on the State, and yield, in a few years, a surplus sufficient to aid materially in making all the additions and improvements necessary to the security of the place, the health of its inmates, or to its successful operation in every species of mechanical labor carried on within its walls.

The committee found that the convicts were well clothed and fed, and due regard paid to their health and comfort, and the discipline necessary to produce submission and obedience among persons so little accustomed to subordination, is in all cases tempered with humanity.

The committee feel bound to invoke the attention of the legislature to the pressing necessity of a new substantial and extended enclosure. A great amount of the work has necessarily to be done out of doors, and the health of the convicts requires occasional exercise in the open air. For these objects, and the absolute necessity of guarding against efforts from the exterior to liberate the prisoners, an enclosure has been made of plank on the east side of the entire building, leaving the west side and both ends exposed. The buildings are made of the worst materials, put up in the most unworkmanlike and careless manner, and the enclosure of the frailest description; and with forty men, constantly on the watch, practised in all the arts of deception, and daring and desperate enough, at any risk, to avail themselves of the least oversight or the slightest opportunity of escape, the place extremely insecure, and the keeper and underkeeper exposed to constant risk and danger.

The committee are satisfied that without more permanent and substantial outworks, the guard, necessary in the present insecure condition of the place, to watch over and secure the convicts, who are rapidly increasing in number, will cost more than all the other expenses of the institution. A wall substantially made, and enclosing a

sufficient area for all purposes, will cost about \$12,000. The committee would recommend an appropriation of two thousand dollars of the first disburseable funds in the treasury, to lay the foundation of the wall, that it may be carried on and completed, at convenient periods, by the convicts.

The committee bear cheerful testimony to the peculiar fitness of the present agent, and the faithful manner with which he has discharged all the responsible duties of his station.

All of which is respectfully submitted.

BATEMAN, *Chairman.*

REPORT

OF THE

COMMITTEE ON THE STATE BANK UPON THE PETITION OF

SAMUEL H. HEMPSEAD.

MR. SPEAKER:—The standing committee on the State bank, to whom was referred the memorial of Samuel H. Hempstead, have had the same under consideration, and have instructed me to report:

That the committee find, from the testimony introduced before them, that some time during the year 1841 the general board for said bank entered into a contract with Messrs. Hempstead & Johnson, as attorneys, to pay them a reasonable compensation for attending to the business of the said bank and branches in the supreme court, for said bank, and that the item of five hundred dollars, which the report charges Hempstead with having received, was paid him for attending to ten cases in the supreme court, for the principal bank, at the rate of fifty dollars per case; which charge of \$50 was proven before the committee to be the reasonable, indeed the minimum, price or charge for attending to business in said court.

The committee find further, that the allowance by the local board in March, 1842, particularly complained of in the report, was but putting in force and carrying out the contract of the general board, made with Messrs. Hempstead & Johnson. And as to the power of the local board to order the payment and carry out the provisions of the contract, made with the general board, there exists a diversity of

opinion. But such diversity of opinion can in no way affect Mr. Hempstead, and in no way can it destroy the force and effect of the contract made with the general board; and if the local board had refused the allowance for the claim, the financial and executive receiver would have been compelled to pay the said claim; and as to recommending suit to be brought upon the amount against Mr. Hempstead, from the testimony since brought before us, as to the validity of the claim of Mr. Hempstead, we recommend that the matter rest here, and that no action be had in the premises, as we conceive him entitled to the amount received. WM. W. FLOYD, *Chairman*.

As member of the standing committee on the State bank, I dissent from the above report as being unjust and incorrect as to fact.

A. RUST.

PETITION

OF

SAMUEL H. HEMPSTEAD.

To the House of Representatives

of the Legislature of Arkansas:

The report of the joint committee on banks, made to the House of Representatives, on the 16th of December, 1844, contains matter relative to myself, calculated to operate to my prejudice; and I take this occasion to express my regret, that the committee did not deem it proper to give me an opportunity to make an explanation, before the report reached the House.

I assure the House, that I have too high an estimate of the honor and impartiality of the gentlemen who composed that committee, to suppose, for a moment, that they intended to do me or any other person injustice; but I know that in investigations of this description, embracing complicated matters, and limited to a short period of time, many things cannot be properly understood without explanation.

To prevent misconstruction, I take leave to declare that as to my official conduct, either as director or attorney of the principal bank at Little Rock, so far from opposing, I would invite the strictest investigation.

If I rightly understand the portion of the report of which I speak, it states substantially, that I reversed my opinion as to the powers of the board of directors, (of which I was one,) and that on the 28th of

March, 1843, a claim of 500 dollars, previously presented and laid over, was allowed to me, for professional services rendered to the bank in the supreme court. The report partly acquits me of voting in my own case; but leaves it to be inferred, that what is called a change of opinion, is to be attributed to the existence and pendency of this claim. It would be wanting in respect to the committee to presume, that any such imputation was intended; but as others less magnanimous than themselves, might consider it in a different light, I deem it entirely proper to say, that such a charge, whether of a direct or indirect character, would be as injurious to me as it would be unfounded in fact. If I know myself, I was actuated by the convictions of truth alone, and by that criterion I always mean to be governed. The charge would be self condemned, because any opinion I might entertain as to the extent of the powers of the board of directors, could neither add merit to, or detract from the justice of the demand, and it stood precisely where it did before, to be allowed if right, and rejected if inequitable. Those who voted for it are as honorable and conscientious men as any in the community, and they allowed it for no other reason, than because it was justly due. Moreover, by virtue of the provisions of the 18th section of the liquidation act, the claim might have been postponed, and presented to the receivers, who would doubtless have felt themselves obliged to pay it, depending as it did on a *solemn contract made with the general board in 1841*; but in case of refusal, the whole amount could have been recovered against the bank—not in Arkansas money, but in constitutional currency; and I speak thus confidently, because the facts warrant it. It must be obvious that, so far from having any improper motive in presenting the claim to the board of directors, referred to, self interest, if I had consulted it, would have pointed to a different remedy—a resort to a court of justice, by which, instead of getting 500 dollars in Arkansas notes, then worth only about 150 dollars in coin, the whole could have been recovered in specie. But I wished its adjustment, was willing and did receive Arkansas money at par, and was satisfied.

I now proceed to show that the claim was just. Robert W. Johnson and myself, partners in the practice of law, were jointly appointed attorneys of the principal bank on the 12th of January, 1841. The salary was previously fixed by the board of directors, in whom the power was vested, at 500 dollars per annum, on the 24th of September, 1839, and continued at that rate, until I qualified, as attorney, under the act of liquidation, early in April, 1843.

The business of the institution extended over a great portion of the State; the community much embarrassed and the inability of debtors to adjust their bank debts, rapidly multiplied suits during our term of official service. Many defendants hard pressed, naturally enough brought into requisition every species of defence, to procure time or entirely escape payment; and after having failed in the inferior, resorted to the supreme court. This state of things almost burdened the docket of the latter court, at each term, and required the adjudication of many important and complicated questions, involving the

very existence of the institution, as will be evinced by the published reports, and particularly the 4th volume. The bank was uniformly successful in these questions, having justice on her side; and the only credit I claim is, such as may arise from a zealous advocacy of her interests on all occasions, and strict attention to her business. The salary was always paid to us in Arkansas notes at their nominal value, and depreciated as that currency was, sometimes as low as three for one, it is manifest that it did not deserve even the name of compensation for the arduous services performed, and for the time necessarily devoted to the business and affairs of the bank.

These matters were represented to the general board in the summer of 1841, and the gentlemen composing it deeming "the laborer worthy of his hire," entered into an agreement with us that we should receive a just and reasonable compensation, independent of our salary for attending to all bank cases in the supreme court. William Field, the president of the general board, and who I believe presented our proposition, made the following written statement to the board of directors, which was used as testimony when the claim was allowed. It is recorded among the minutes of the board, but whether the committee saw it, I have no means of knowing, and presume they did not. Here it is:

"My understanding of the arrangement or agreement, made by the general board of the bank of the State of Arkansas, whilst I was president thereof, is that the attorneys of the principal bank were to attend to all suits brought into the supreme court, from decisions wherein the branches or principal bank were concerned, and that each branch and principal bank were to pay for the same, or such cases as they were respectively concerned in, and this compensation was independent of their salary, and I supposed the order was so entered."

March 27th, 1843.

"WM. FIELD."

Such is the precise form of the agreement, as announced to us by the general board; and if it was not so entered, or not entered at all, on the minutes, it was no fault of ours, and certainly did not become the less binding and obligatory on account of the omission. That this, however, was the contract, can be fully established by D. W. Lowe, Esq., one of the members of the general board, and I do not doubt that the other member, whose name is not now recollected, can do the same thing. It is also established by the records of the bank, and by the conclusive fact, that on the 16th of February, 1842, and on the 14th of November of the same year, the general board actually allowed our accounts for attending to cases in the supreme court, at the rate of fifty dollars per case, by virtue of that contract.

It cannot, I apprehend, be questioned that the general board possessed full power to make the contract. The 15th section of the charter vests in that board the general right of exercising all such powers, for the well governing and ordering the affairs of the principal bank and branches, as should be deemed necessary and proper, to advance their interests, and with no other limitation than that no power should be exercised contrary to the provisions of the charter or the laws of the State.

The claim was for ten cases of the principal bank, brought into the supreme court, at fifty dollars for each case; the general *minimum* fee for a suit in that court. It must be remembered that this was paid off in notes of the branches, or Real Estate bank money, which reduced the fee, in fact, to about fifteen dollars in good funds. The report, I believe, does not denounce the claim as extravagant, but questions the right to receive it under any circumstances.

If it is urged that the contract was not obligatory, or that it did not embrace the suits of the principal bank, still neither position would militate against the claim, because if the directors had power to act on it at all, (and I shall show they had,) they possessed the right, contract or no contract, to award such compensation as they thought reasonable for services rendered the bank, and I confidently challenge the production of a single line or syllable of law to the contrary.

If it is said that these suits were embraced in the general scope of our duties, as attornies of the bank, I reply that the general board thought otherwise, and considered that we were entitled to additional compensation. The suits brought up from the branches, fell as much within the range of these duties, since in legal contemplation the State bank and branches form but one entire corporation.

That the contract was valid appears to me incontrovertible; that the services charged for in the account were rendered by virtue of it, admits of easy demonstration, the very records of the supreme court proving the fact; that the compensation was not extravagant, every lawyer will affirm. Possessing, as the claim did, all these attributes, I confess I cannot see how the board of directors, properly respecting the rights which grew out of the contract, could refuse its payment.

The remaining inquiry is whether the board of directors of the 28th of March, 1843, had authority to act on the matters that were brought before them, which also brings up what the committee are pleased to term a reversal of my opinion?

The liquidation act, notwithstanding the care and labor of framing it, is confessedly obscure in its details, confused in its provisions, and certainly not very easy of comprehension. That different opinions might be conscientiously entertained, with regard to it, by any one, does not seem to me to be so extraordinary as to deserve particular notice. Judges, lawyers, and other persons who have had occasion to examine it, have encountered no small difficulty in ascertaining the precise intention of the law maker.

My first opinion was verbal, given on the spur of the moment, and on a hasty examination of the act, as I had no opportunity of giving it a close one. I well remember that I proceeded on the ground that the bank and branches were prohibited from issuing notes in discount of paper or loaning money, and that a strict and literal construction was perhaps the only mode of making it effectual. In legal strictness every renewal of an antecedent liability implies a loan of money, but according to practice, and in fact, nothing is paid out. My opinion as to the power of the board of directors was *specially confined to discounting or renewing notes*, and I did not pretend to inquire whether

the authority of the board as to other matters which might be presented had ceased; for in fact I did not so believe. The board might have been prohibited from renewing obligations, and still possess many powers for other purposes. For example, if the bank had money on deposit, or due, in or out of the State, might have been sent for, and the expenses of procuring it been paid, under the direction of the board: debts and claims against the bank and the salaries of officers could have been allowed and paid, under their authority; and proper measures could have been taken to put the books and papers in proper order for transfer to their successors, and to facilitate turning over the assets.

In speaking of notes, I used the words discount and renewal as synonymous, meaning, of course, that the board could not discount a note in renewal of another; and I confess I felt great doubt at the time of the correctness of that opinion. I therefore took the first opportunity to carefully examine the whole act, to contrast one section with another, referring, likewise, to the cotemporary legislation of the same session, and I am not ashamed to own that I became fully convinced that many evils would flow from a literal construction of the act, which would be entirely avoided by one more liberal. On the 28th of March, therefore, I gave a short written opinion, now on record in the bank, stating, in substance, that in my estimation the board of directors could exercise all such powers contained in the charter as were not prohibited in the liquidation law, until the assets were turned over to the receivers. The principal inhibition to the directors was contained in the first section, relating to issuing notes in discount of paper or loaning money. Without admitting that I reversed my opinion, as stated in the report, I remark, generally, that I have no obstinate pride of opinion, and will never adhere to a bad one, from the fear of being thought inconsistent, and I hope my mind will always be open to the convictions of truth.

Fallible as we all are, I presume it would be a novelty for any man to pass through life without altering his sentiments on any subject. If one so humble as myself (supposing there was a reversal, as the report states,) ought to be severely censured, what judgment ought to be pronounced on high courts for altering decisions, in cases where civil rights and property are involved. There is scarcely a volume of law reports that does not prove the fact that judgment ought to be pronounced on eminent judges, for changing their solemnly expressed opinions on great principles of jurisprudence; and yet I am not aware it was ever thought unusual or reprehensible, or deserving special notice.

If I understand the report of the committee, it assumes that my first opinion went to the extent of denying all power to the board of directors, in other words, that the power of the board to act in the capacity of directors did not exist; whereas on examination it will be found, that it was *strictly confined to the renewal of notes as already stated*. In speaking, therefore, of the allowances made by the board, it would be incorrect to say that I changed my opinion with regard to

such allowances, as the *first* did not touch that point at all, and was not intended to do so. I did, however, change my opinion, as stated herein, and in no other way. The report, I believe, does not mention the *nineteen notes renewed* by that board, from which it may be inferred that little else was done than the allowance of claims against the bank, and that what is called a reversal of opinion, may be referred exclusively to those claims: a statement of the matter which, I contend, does me injustice, without any such design, as I believe, on the part of the committee. It will, I think, be conceded by the committee, that the receivers could not act all, until they gave bond, and procured its approval, and thereupon received a commission, and took the oath prescribed, all of which were necessary to constitute qualification, as appears by the *second* and *third* sections of the law. The qualifications of both receivers was necessary for action, because the power and trust conferred was of a joint character.

The financial receiver did not qualify until the 5th of April, 1843, and the action of the board of directors of the 28th of March preceding, could be amply vindicated on this ground alone, unless a person will advance the position that there was a complete interregnum or suspension in the affairs of the bank. As the bonds to be given by these officers were heavy, the duties arduous, and the compensation small, I will put, by no means, an improbable case. Suppose they had been either unwilling or unable to qualify, within sixty days after the time, it would have devolved upon the chancellor of the district to appoint; and suppose, also, the persons appointed by him had been also unable to qualify in that period; and it had so proceeded, can any man say that the directors, in full and legal possession of all the assets as they were, and responsible for the faithful administration of the affairs of the bank, up to the termination of their official career, could not have exercised all the powers not inhibited to them, for the purpose of transacting the business, and promoting the interests of the institution? If they had refused to do so, and loss had accrued, how loud and just the public indignation that would have fallen upon their heads.

But this position, strong as it is, I pass by, and place the right of the board of directors of the 28th of March to act on the several subjects which came before them, on the broad ground that *their authority as directors did not cease until the assets were actually transferred to the receivers.*

Time, and after reflection, have satisfied me, beyond doubt, that the correctness of this written opinion cannot be successfully assailed.

The very first section of the act putting the State bank in liquidation, expressly naming the bank and branches, unequivocally demonstrates the intention of the legislature to continue the respective boards of directors and officers beyond the *10th of February, 1843, when the law took effect.* If it was designed to strip them of all authority after that time, it was a work of supererogation to enact that section—in fact it was unwise, since it would have become a complete dead letter the moment the rest of the law was in force. That provision could

have no practical effect as to the receivers, as they were expressly and positively prohibited, by subsequent sections, from *issuing notes or loaning money*.

The 15th section, providing for the burning of the notes and blank notes turned over to the receivers, and a like burning, from time to time, when ten thousand dollars should accumulate; the 20th section requiring a dividend to be declared, and the supplementary act on that subject, put into force by the way before the antecedent law; the 27th section making it a penal offence for the receivers to "*loan out any of the money, notes, property, or effects of the bank and branches;*" issue notes or loan money in any way whatever, and that the first section all show, conclusively, that the receivers were positively forbidden to was designed to operate, by way of limitation, upon the several boards of direction, between the time the law took effect and the time the assets should be turned over, when the legal custody and control of these assets would pass out of the old officers and vest in the receivers.

The legislature was fully cognizant of the fact that an inventory could not be taken of the assets of banks; and every thing put in a state of readiness for transfer to the receivers, under three or four months; and that unless the directors and officers were continued, the business of the bank, and its interests, would be necessarily prejudiced.

It was, therefore, explicitly provided, in order to guard against such a result, that after the inventory was made, "all the property, notes, moneys, assets, and effects of said principal bank and branches, of every nature and character whatsoever, shall be turned over to their respective receivers, who shall take possession of the same, and have the care and custody, management and control thereof, in the manner hereinafter prescribed; *from and after which time the offices of president, cashier, clerk, teller, and directors shall be abolished and cease to exist.*"

Why continue these officers up to that period? Were they to look on and do nothing? Were they placed there as a guard on the receivers merely? Was the legislature so unwise as to strip them of all power to act for the interests of the bank during the process of assignment, and prolong their official existence for the sake of ceremony? It is a sound rule with regard to statutes uniformly adhered to by courts of justice, that every part must operate if possible, and a reasonable construction be given to the whole.

Now what was the object of this provision? Obviously to prevent any thing like an interregnum, and to enable the ordinary affairs of the bank to be transacted by the old trustees of the State, until the new ones took legal possession. When I speak of the transaction of the ordinary or necessary affairs of the bank by the old officers, I wish to be understood as excepting what they were prohibited from doing, that is, issuing notes in discount of any negotiable paper or obligation, or loaning money in any way whatever; and as to such other matters as may be contained in the act of 1842, or preceding laws.

It is, I apprehend, a clear proposition, that the power of conducting the necessary affairs and business of the bank *was vested some where*

between the 10th of February and the time the receivers took possession of the assets, and not in a state of suspension or abeyance. It was not in the receivers, because their management and control of the assets only commenced from the time of reception. They could not pass upon a note for renewal, because the antecedent note was not under their control; they could not adjust the account of any debtor to the bank, because the books and papers were not in their possession; they could not pay any debt due by the bank, because the money was in other hands: they could not receive payment of notes and obligations, because not legally in their custody; in fact, they could do nothing in the interim, except proceed, in connection with the agent of the State, to take an inventory "of all the books, bank notes, promissory notes, bills, obligations, moneys, accounts, and property, of every nature and description whatever," belonging to the bank, as provided in the 5th section, which will also show that the precise manner in which this duty was to be performed, required at least three or four months at the principal bank.

It cannot be said that the qualification of the receivers could destroy the official existence of the officers, since that would be to contradict a plain provision of the act. Something more, therefore, was required, which was the receipt of the bank assets. The right of acting for the bank until that time, necessarily remained in the old officers. The directors were elected for two years, and until their successors were fully qualified to act. What powers, therefore, could the board of directors legally exercise, and what part of the charter was repealed? A portion of the 28th section of the act under consideration shall answer for me, and it is as follows: "That nothing in this act shall be so construed as to impair or destroy the corporate existence of the said bank of the State of Arkansas, but the charter of said institution is only intended to be so limited and modified, as that said bank shall collect in and pay off her debts, abstain from discounting notes or loaning money, and liquidate and close up her business."

Taking this provision in connection with the others, it appears to me manifest, that the legislature declared in so many words, that the directors should sit and act as a board, guard and protect the interests of the bank, transact its business, until their official relations with the institution should cease on the occurrence of the event mentioned in the law.

It is well said that arguments deduced from inconvenience, are entitled to much weight in construing an ambiguous statute; because it is rightly inferred that the law maker never intended disastrous consequences.

What evils would have resulted, if the authority of the directors had ceased on the 10th of February, 1843. Notes payable to the bank, which were constantly maturing, could not have been renewed and instalments paid, although persons might have come from a distance and pressed the bank for adjustment; suits could not have been ordered on obligations, although about to be barred by the statute of limitations; suits could not have been brought against any debtor,

although about to remove out of the State with his property, to deprive the bank of her debt. These are some of the evils, and I never can persuade myself, that a construction, which would have produced them, can be correct.

By conceding the authority of the board of directors, these consequences are avoided; there is no suspension of business—no interregnum—every thing moved on in its accustomed channel, until the entire management of the institution, quietly passed into the hands of the receivers, by operation of law, without injuring either the community or the bank.

The assets of the principal bank were not turned over until the 9th of June, 1843, and then, and not until then, did the authority of the board of directors cease. Could there be any conceivable impropriety in the exertion of their authority? They were the trusted agents of the State, as well as the receivers, and responsible for their own conduct. The bank, long before the meeting of the legislature, was practically in a state of liquidation, as no notes were issued or money loaned, and she was gradually winding up her affairs, and collecting in her debts.

I have said that notes were received by the board of the 28th March. Now, I confidently ask any man, if under the existing law at that time, every debtor whose note was due, had not an absolute right, on paying interest and instalments and furnishing a renewal note, with good security, to have the antecedent obligation satisfied, cancelled and delivered to him? And yet, if the directors had no authority with regard to the notes alluded to, who could pass upon them, and who judge of the sufficiency of the security? The receivers neither could nor *would* act in the matter, conceiving that their authority only commenced from the transfer of the assets.

The power of that board has been recognised by the Pulaski circuit court, on two several occasions, after a full and mature examination of the law and the facts. Suit was brought against William Field, on a note of 900 dollars. He pleaded the allowance of the board as a payment, which of course involved the authority of the directors to make it; in fact the question was directly presented. The defence was sustained, and judgment rendered for Field. The other suit was brought against John H. Crease, on his official bond, for paying out a small portion of specie, to some of the officers of the bank, mentioned in that days proceedings. His counsel, mainly relied on the order of the board, as a full justification, and the court adjudged the defence good, remarking that he had carefully examined the law, and that it appeared to him plain, that the legislature did not intend to deprive the directors of their power of acting for the bank until the assets were transferred.

Judgment was rendered for Mr. Crease, and the case was taken to the supreme court, by writ of error, and I do not entertain the slightest doubt that the decision of his honor Judge Clendenin, will be affirmed.

If the directors could approve and pass a note offered for renewal,

they could also allow claims against the bank, and direct them to be paid, because the one fell as much within the scope of the powers and duties of the board as the other. I imagine it will not be controverted, that if that board could act at all, the claim referred to was a legitimate matter for consideration; and if I have not demonstrated that they preserved the power, I am incapable of doing it.

In terms befitting the high respect I entertain for the committee, and without doing them the injustice of imputing improper motives, I have commented on a matter, which appeared to place me in an incorrect position. I deemed that justice to myself demanded that I should put the House in possession of the nature of the claim, and the authority to allow it; and as I have no voice on your floor, I ask for this communication, such consideration as it may be thought to merit.

Very respectfully, your ob't serv't,

S. H. HEMPSTEAD.

LITTLE ROCK, *Dec.* 1844.

FLOYD'S RESOLUTION.

Mr. Floyd of Johnson, offered the following :

Resolved, That a committee of five be appointed by the chair, whose duty it shall be, to inquire into the expediency of instructing our Senators and requesting our Representative in the Congress of the United States, to use all the means within their power for the immediate re-annexation of the government of Texas to that of the United States, and that they report to this House as soon as possible, the result of their deliberations.

Mr. Speaker appointed Messrs. Floyd, Greenwood, Blakemore, Scott and Marshall.

Which was adopted.

REPORT

MR. SPEAKER:—The select committee to whom was referred the resolution to inquire into the expediency of instructing our Senators and requesting our Representative in Congress, with regard to the immediate annexation of Texas to the United States, beg leave to present resolutions of instructions, together with the following report on the subject.

In our government deriving its power from the people, their will deliberately expressed, must of necessity be obeyed. Our popular institutions, which are endeared to us all, rest on no other foundation.

The American people are not only free and intelligent, but capable of forming a judgment with regard to public measures, which will stand the test of human scrutiny and time.

The annexation of Texas, to the United States, deservedly occupies a prominent position among the great questions which divide the two political parties of the country. It has been advocated by the one with a zeal commensurate to its deep importance, and opposed by the other with an earnestness almost amounting to violence.

No one however, can regret that it has been presented for public consideration, because a flood of light has been shed on the value of Texas, in a social commercial and military point of view, and on the absolute necessity of acquiring it ; but more than all, the people have given the measure their patriotic and hearty sanction and support, by electing a President warmly in favor of annexation.

One great objection to annexation has been decided; the people in their political capacity, have spoken as with one voice, and declared in its favor; so that it can be no longer said as it has been, that their wishes with regard to it are unknown and undeclared.

The committee charged with the subject, without going into all its minute divisions, deem it proper to present a few reasons, which not only warrant, but imperiously require the annexation of Texas.

It is conceded on all hands, that the measure is free from all constitutional objections.

The history of the foundation of the federal constitution, conclusively demonstrates, that the power of admitting new States was never intended to be restricted to the territory then within the limits of the United States as defined by the treaty of peace, of 1783. That proposition was actually made in the convention and almost unanimously rejected, for the clause which now forms a part of that instrument, and which confers the general and unlimited authority on Congress of admitting States, without regard to the mode of acquiring the territory, whether that mode be by purchase or the fortune of war.

In point of fact, such has been the practice of the government at former periods.

Mr. Jefferson purchased Louisiana from France, in 1803. Mr. Madison the Floridas from Spain, in 1819. Several States formed out of the territory acquired by the former, have become members of the Union, and have ever been first to promote the true interests, and defend the honor of the country.

The constitutional right of annexation being beyond dispute, the policy of the measure is the only question upon which there is a division of sentiment.

By a treaty with France, in 1803. the great valley of the Mississippi, then known as Louisiana was acquired. It is needless to comment on the value and importance of the purchase. If it had been the only public act of Mr. Jefferson's administration, it would have stamped him, what he is acknowledged to have been—the most profound and accomplished statesman of any age or country. New States in the west, watered by the noble Mississippi and its tributary streams, and filled with free industrious and intelligent people—new States which strengthen and sustain the mighty confederacy, and add glory to its name, are the lasting monuments of the wisdom of that measure.

In that very treaty, Texas formed a part of the acquisition; and it was solemnly stipulated, to incorporate the inhabitants of the ceded territory into the Union, according to the principles of the federal constitution, and to confer upon them all the rights, advantages and immunities of American citizens.

It will not be contended that there is any right vested in the General Government to cede to a foreign power, the territory or other property of the United States. If there is authority to sell or give away a single acre of our soil, a whole State could not form an exception; human wisdom cannot point out any just distinction between the two

cases, as to the question of power, in fact, the very idea of thus parting with our property is based on a principle subversive of all government.

The cession of Texas to Spain, by the suicidal and inexplicable treaty of 1819, was an act not only unwarranted by the constitution, but short sighted and impolitic.

It was a violation of our plighted faith to France, because, instead of adding the ceded territory and inhabitants to the Union as stipulated, we transferred both to a foreign and despotic government; instead of preserving a valuable territory, absolutely necessary to our peace happiness and welfare, it was sacrificed without any just equivalent, in fact, literally thrown away as worthless—we gave it, together with five millions of dollars for East and West Florida—when the latter, from local position could not have been long held by Spain, and must in the nature of things have quietly and peaceably fallen into our possession, as naturally belonging to our confederacy.

Waiving the further discussion of this grave and momentous topic, suffice it to say, that after a lapse of twenty five years since the treaty of 1819, we have it in our power to re-acquire the identical territory so wantonly given away, and to repair the error committed by the statesmen of that day. It is in our power to carry out the solemn stipulations of the treaty of 1803, of incorporating the territory then purchased, into the United States—it is in our power to preserve and maintain our national faith in this important particular, without giving just offence to any other nation on the globe. It is in our power to confer on a part of the human race, the inestimable blessings of freedom, and those rights and privileges, which every just government will guarantee and protect.

It is material to enquire whether there is any well founded objection to the annexation of Texas, which inquiry necessarily comprehends our relations, and the relations of Texas with Mexico, to a right understanding, a brief review of the history of Texas is deemed entirely appropriate.

In 1822, Don Augustin Iturbide, established himself at the head of the imperial government of Mexico. He found most of that vast portion of territory east of the Rio del Norte, known by the name of Texas, inhabited by tribes of warlike Indians, who could neither be conquered by arms nor subdued by bounties, and who were committing constant depredations on the Mexican frontier.

He knew also, that the Mexicans were accustomed to a lazy pastoral or mining life; utterly destitute of every thing like public spirit or enterprize, and that therefore, Texas offered no inducement for Mexican emigrants, and that its reclamation from a wilderness condition, and the expulsion of the savage tribes, within its limits, could not be anticipated from the Mexican people, who, in addition to their notorious want of energy are of a cowardly nature.

To effect this desirable object, the national council on the 3d of January, 1823, by the recommendation and sanction of Iturbide, adopted a law inviting a foreign emigration to Texas. The protection of liberty, property and civil rights were guaranteed, and one Spanish

league of land (4,428 acres) offered to each colonist for settling in Texas; thus showing an extreme anxiety on the part of Mexico, to people Texas with other than Mexican inhabitants.

A short time afterwards the nation, by a civil revolution, deposed Iturbide, but the supreme power, which had been vested in an executive council of three persons, adopted a national colonization law on the 18th of August, 1824, in which the law of Iturbide with all its guarantees was fully and deliberately confirmed.

Placing however, but a low estimate upon the vacant lands, desiring also, to rid itself of all control over them, and of the expense, responsibility and trouble, consequent upon their management, and moreover with a view to their more speedy settlement, the government of Mexico, absolutely ceded to the several States, or provinces, the vacant lands within their limits respectively to be managed and disposed of in such manner as each State should deem expedient.

Under this broad and unlimited authority, Texas and Coahuila, which had been provisionally formed into one State, passed a law on the 24th day of March, 1825; offering the most liberal benefits and bounties, to effect the colonization of the rich, but wild lands so ceded by Mexico, and situate within the limits of Texas, and guaranteeing the full and uninterrupted enjoyment of liberty, property and civil rights to all those who would embrace the invitation contained in the law. Thousands of American citizens flocked to Texas, to reclaim it from a wilderness state, to aid in the development of its vast resources, to build up cities and towns, to convert the dense forest into fields of plenty, to introduce civilization and refinement, where the wild Comanche had previously hunted and roamed, and plundered undisturbed by a single white man.

From the period of the settlement of Moses Austin, in 1821, up to this, Texas has gradually risen in the scale of numerical strength, until it now contains very near, if not quite, a sufficiency of population to add two more States to the Union.

Mexico was utterly unable to colonize Texas, with her own people. It was from the enterprize, industry and courage of our own citizens, that this desirable result was expected, and not vainly, as time and history have demonstrated. It was colonized by the American people, under the most solemn promise of civil liberty, ever offered to man: not proffered in one isolated act merely, but in a series of public acts, all holding the same language, and breathing the same spirit, and running through a series of years. On the 2d of February, 1824, the federal constitution of Mexico, was established as the supreme law of that Republic. It was modelled after the constitution of the United States, and contained the same great republican features, established every reasonable safeguard for the rights of the people, and promised effectual protection for life and property. Texas at that time, not being sufficiently populous, to form a separate State, was with her own consent, attached to Coahuila, until it possessed the necessary elements to form a separate State of itself.

Such is substantially the language of the organic act of the Congress of Mexico of the 7th of May, 1824.

In 1833, the people of Texas, knowing that their numbers and resources exceeded those of several of the old States, and that they possessed the requisite elements to form a separate State, met in solemn convention and formed a constitution, resembling in most respects, that of our State constitution, establishing a local executive, legislature and judiciary: in fact placing herself in the same position with regard to Mexico, that Arkansas occupies to our own general government. Stephen F. Austin, who emigrated to and commenced the colonization of Texas, in 1821, was elected as commissioner to present it to Mexico for ratification, and to urge the admission of Texas into the Mexican confederation, in conformity with the organic decree of the 7th May, 1824, already alluded to.

Inconceivable and barbarous as it may seem, the wishes of the people of Texas was treated with disdain, their constitution spurned, their commissioner and ambassador siezed as a traitor, incarcerated for more than a year in a dark and gloomy dungeon of the inquisition, and deprived of all the gratifications and comforts of life.

This early manifestation of oppression, injustice and perfidy on the part of Mexico, made it the right and duty of Texas to resort back to the original and unalienable rights of nature, and spurn the yoke that was preparing for a free people.

In 1835, General Santa Anna, who had previously been the champion of the republican party, united with the aristocracy and church interest, declared himself in favor of central government, which was in theory and practice, the consolidation of all civil and military power in the hands of a single despot. Passing through scenes of anarchy and civil commotion, almost unparalleled in the history of even that turbulent government, Santa Anna became dictator, and governed by the stern tyranny of the sword.

By an arbitrary decree of October the 3d, 1835, the free constitution of 1824, was overturned, the governors of the States, and the judges of the courts of justice were declared to be dependent on the central government for the nature and extent of their powers, and the tenure of their offices; the legislatures were declared to be forever dissolved, and in a word, the rights of man were at the mercy of a cruel usurper, who had governed the supreme authority, by trampling into the dust that constitution, and destroying the few Mexicans who possessed the spirit to resist oppression.

The Mexican States, one by one, yielded, until Texas stood alone in the glory of resistance with her devoted little band of heroes, ready to dispute every inch of ground against the mercenary hosts of Mexico, and determined to conquer or fall in the defence of their homes and their adopted country.

A people who inherited liberty as a birth-right from their fathers, could never bow to a despotism, nor live under any other than a government of equal and just laws. Accordingly, in November, 1835, they declared that the encroachments of Mexico had dissolved the

bonds of civil government, and that they had taken up arms in defence of the Mexican constitution, and the inherent rights of man. The issue was made between liberty on the one hand, and slavery on the other. The issue was made, and war was commenced by the invasion of Texas with a Mexican army of eight thousand men, commanded by Santa Anna in person. The Alamo was taken by assault, and Travis, Bowie and Crockett, and their patriotic band, were all put to the sword. At Goliad, the brave Fannin and his associates were murdered in cool blood, although they surrendered on condition that they should be released on parole and transmitted to the U. States. The independence of Texas, formally declared on the 2d of March, 1836, and the Texans proceeded to frame a constitution and organize the State as a separate and independent nation.

The glorious constitution of the United States, under which the most of them had been reared, and whose blessings they had experienced, became their guide, as being best calculated to promote their true interest, and accordingly their form of polity contains the same fundamental principles of civil liberty.

General Houston was placed at the head of the Texas army, which was far inferior in point of number and discipline to that of the enemy. On 21st of April, 1836, the two armies met and fought the memorable and decisive battle of San Jacinto, among the best fought battles on the part of the Texans in military annals, and which showed the victors to be worthy of the country and race from which they sprung. Santa Anna and his force, amounting to about five thousand disciplined wretches, were captured; the Texans, too just and magnanimous to retaliate the bloody barbarities of Goliad and the Alamo, permitted the Mexican army to depart to their own country, spared the life of Santa Anna, and treated him with kindness and respect. He then acknowledged the independence of Texas, and on the 4th day of July afterwards, on the anniversary of American freedom, ratified and confirmed the acts, and truly declared that, without independence, Texas could only be a broken wing of Mexico.

The independence of Texas, the final separation of Texas from Mexico, and her right to an independent government, were fully established by the victory at San Jacinto, a victory which evinced to the whole world that Texas was not only free, but capable of maintaining that freedom. Ever since that time, she has maintained herself as an independent sovereignty, without any ability on the part of Mexico to conquer, and hold a single foot of her soil, and at this moment it would be far easier for a Texan army to penetrate Mexico and plant her "lone star" on the gloomy battlements of the Montezumas, than for any Mexican force to subjugate Texas.

For more than eight years, Texas has only been disturbed by one or two expeditions from Mexico, which retreated faster than they came. No regular army, no provisions made, no arrangements on a scale commensurate to the conquest of the country, nothing but mere idle boasts, have announced the determination of the Mexican governments to prosecute the war; and, in fact, it is apparent that she has

acknowledged her inability to do so, by a long and silent acquiescence in the signal defeat of her armies at San Jacinto.

The independence of Texas was acknowledged by our government, in March, 1837, and the example was subsequently followed by France, England and Holland.

From that moment, unless it was a mere idle ceremony, Texas had full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States had of right to do. Such was the effect, as proclaimed in our declaration of independence.

From what has been stated, it is obvious to every man that Texas was colonized by citizens from our own country, in view of the strongest possible guarantee, that liberty and civil rights should be respected. It is equally apparent that Mexico was the first to violate that guaranty, and destroy the rights of a people, who had been faithful to the constitution of 1824, were willing to live under it, and vainly tried to preserve it.

Every law, human and divine, authorized and required them to resist the attempt to reduce them to a state of slavery. If they had not done so, they would have been unworthy of the name of men; if they had not done so, they would have been fit instruments of the next degrading tyranny in this or any other age—Mexican tyranny.

The people of Texas have acquired lawful right to act as an independent and sovereign nation, first by reason of the redemption of the country from a wilderness state, which Mexico could not do; and secondly, by virtue of conquest, and the inability of Mexico to and repossess it; and as there is nothing in the Texan form of government to forbid annexation, there are no obstacles to prevent it, save such as we may probably throw in the way. It is said that Mexico has never acknowledged the independence of Texas. It could be matter of form only, a mere admission of an existing fact, of which the whole world is cognizant.

If Great Britain had not acknowledged our independence to this day, would it have prevented us from acting in the capacity of an independent nation? Would not all nations have looked to the fact of independence or subjection as determining our right of sovereignty? Would the refusal of the mother country to make the acknowledgment, weigh against the stubborn fact of actual independence? Successful resistance, good as sovereignty, the same thing has given Texas her independence, to say nothing of the acknowledgment of that fact by Santa Anna himself, who is now supreme dictator.

It would be strange doctrine, if a people could be enslaved, and no other nation could interfere in their behalf, until an acknowledgment of their independence was extorted from the oppressor.

It is a doctrine that would admirably suit despotic powers and princes, and which they would not fail to press into service, but it is no part of the law of nations, and can never find a resting place among the republican principles of the present age.

The main objections urged against the annexation of Texas, are,

that it would violate our treaty with Mexico, and involve us in a war with that power.

Let us examine these objections candidly and dispassionately, and see what they amount to.

It is true we have a treaty of peace and amity with Mexico, and the obligations of it must be determined by the law of nations, for by that great code of national justice, we are able to define with precision the position we ought to occupy, in regard to other powers of the world.

Now every nation is obliged to perform every thing required for its preservation and safety, and there is no obligation to observe any treaty, by which that preservation and safety is hazarded. *Vattel*, 194. As independence is the natural condition of mankind, the law of nations, which is in fact the great law of nature, not only allows, but requires, that we should aid and enable a people, who desire it, to attain that condition, and so far from such interference being the first cause of war, it is commendable and right in the eyes of the civilized world.

If, on the other hand, we were to engage in or countenance oppressive operations against a people struggling for their freedom, we should give every nation in the world, treaty or no treaty, the right to attack us.

Thus it is said, by the most eminent writer on the law of nations, "that every nation ought, where the occasion requires, to labor for the preservation of others, and for securing them from ruin and destruction, as far as it can do without exposing itself too much.

"When a neighboring nation is unjustly attacked by a powerful enemy, who threatens to oppress it, if you can defend it without exposing yourself to great danger, unquestionably it is your duty to do so." *Vattel*, book 2, ch. 1. Sec. 4, page 135.

As it is indispensable that a sovereign, by violating the fundamental laws, gives his subjects or people a legal right to resist him, and as every foreign power has a right to succor an oppressed people, who implore assistance, it follows, as a necessary consequence, that these two principles are superior to any treaty obligation, and authorizes and requires us to assist the Texans, in every way we can, in the establishment of their independence, and the promotion of their happiness.

If it were correct doctrine, that by doing so, it would be a breach of faith towards Mexico, it would be equivalent to saying that, however heavily tyranny may bear upon them, and however certain their ruin and destruction, no other nation could interfere; thereby indirectly approving oppression, and instead of punishing, enabling the tyrant to escape with impunity. In other words, we are not to do that which is incumbent upon us by the law of nations, because of a forced violation of a treaty with Mexico, the most faithless nation in the world, and whose conduct with regard to Texas, ought to place her on a similar footing with piratical powers, who may be lawfully chastened as enemies of the human race.

In the treaty with Mexico, did our government stipulate either expressly or impliedly, that we would suffer a free neighboring nation to be enslaved by a military despot? Would such a stipulation as

that be binding in the eyes of God or man? It would be repugnant to the law of nations—it would be condemned by the great principle established by our own glorious revolution, and would be contrary to the usage and practice of all civilized nations.

Did England wage war on France, because she aided us with her people, her money, and her arms, in our struggle for freedom? Did England complain of it, as a thing prohibited by the law of nations? As most nations have treaties of amity with each other, a people about to be enslaved or destroyed could not expect or rightfully receive aid from others, if this new-fangled doctrine, which is so solemnly conjured up as an objection, is true, such an idea might have been entitled to more respect in barbarous ages, than it can receive in the nineteenth century, and is more befitting the apologists of tyrants, than the advocates and lovers of liberty.

It is said that the annexation of Texas would involve us in war with Mexico. If what is just and right will involve us in a war with Mexico or any other power, let it come. We can go into the conflict with a good and righteous cause, we can go into the conflict in defence of human liberty, and thus sustained, the spirit of old Bunker Hill will animate our patriots, and that noble flag which has so often waved triumphantly over blood-stained fields, will again stream over our victorious armies.

If Mexico were to assail us in that cause, would it not be a pure act of aggression on her part that would swell the catalogue of her national enormities? But if she were unjust and foolish enough to do so, have we any thing to fear? Are we likely to be conquered? If Mexico could not subjugate Texas, can she conquer twenty millions of people, nay, could any Mexican army ever reach the boundary of our territory? A nation which in its infancy could not be conquered by Great Britain, the first power in the world, is not to be terrified by the menace of war from so pitiful a power as Mexico, in truth, it is mere idle declamation, and no intelligent man ever seriously supposed that war will result from annexing Texas.

If a State refuses or neglects to succour a people who are exposed to imminent danger, the latter being thus abandoned become perfectly free to provide for their own safety and preservation, in whatever manner they find most convenient, without paying the least regard to those who, by abandoning them, have been the first to fail in their duty.—*Vattel, page 97.*

The country of Zug being attacked, the Swiss, in 1352, sent for assistance to the Duke of Austria, its sovereign, and he being engaged in a discourse concerning his hawks at the time the deputies appeared before him, would scarcely condescend to hear them. Thus abandoned, the people of Zug entered into the Helvetic confederacy.

The city of Zurich being assailed by a band of rebellious citizens, who were suspected by the neighboring nobility, and the house of Austria applied for succour to Charles IV., the head of the empire, who declared he could not defend it. The city of Zurich then secured its safety by an alliance with the Swiss. The same reason has

authorized the Swiss in general to separate themselves entirely from the empire, which never protected them in any emergency. They did not own its authority, for a long time before their independence was acknowledged by the emperor and the whole Germanic body, at the treaty of Westphalia. *Vattel*, page 97.

How much stronger is the case, where the sovereign power not only neglects and abandons a portion of its people, but actually wages a savage and barbarous war against them for the express purpose of reducing them to the worst condition of vassalage.

How much stronger is the case where the parent government subverts written constitutions and laws, and destroys the lives, liberty and property of the people, as Mexico has done, in the unholy attempt to enslave Texas. May not the people of Texas provide for their future security and happiness, by annexing themselves to the United States? Is not the right absolute and perfect to do so, nay, is it not demanded by the great and universal law of self-preservation?

Who can say with any justice, that their title to the country is at all disputable. They derived their title from the fact of actual occupancy, and reclaiming the soil from a state of nature, and by proclamation of their independence, and its maintenance by the success and triumph of their arms. But it is said on the other side, that we must wait awhile to see whether Mexico can conquer Texas? How long shall we wait? We have already done so for more than eight years, a period longer than our whole revolutionary war, and shall we wait eight years longer? In that long period of time, has Mexico made any demonstration, backed with the ability, to reconquer Texas? Impoverished and distracted as Mexico is at home, does any sane man believe that she can ever effect that object? If she could not do it, eight years ago, when only contending against a handful of Texans, how can she do it now, or any future period? when Texas is rapidly increasing in strength and resources, and has the sympathy of almost all the civilized nations of the world.

But would the United States, annexation or no annexation, ever permit Mexico, or any other nation to subjugate Texas, and thereby place a foreign, and in all probability a hostile power on our border in the west and south west. Every statesman and patriot will indignantly answer in the negative. And in fact the prospect of war with Mexico is the same without as with annexation; because from the position of Texas, and from the character and habits of the people, the United States will always feel bound, to interfere, when they are about to be prostrated by any foreign power.

In 1836, the question of annexation, and that of ratifying their constitution, was submitted to the people of Texas; who decided in favor of annexation with unparalleled unanimity, there being but ninety-three dissenting votes against it. They lately applied for annexation through their ambassadors and public ministers. So far as their consent is concerned it has been so fully and unquestionably expressed, that no obstacle can arise in that quarter.

Utterly impossible as it is for Texas to be brought into subjugation

to the Mexican government; and naturally belonging to this country, as it does, it is a matter of surprise to the statesmen of Europe that we should lose a single moment in securing an acquisition so valuable in every point of view, and so easy of achievement.

The committee do not deem it necessary to go into the political, commercial, social or military advantages that would accrue from annexation, as they are obvious to every man of reflection. There is less occasion to do so, because most of the opponents of annexation, concede all these advantages to their fullest extent, but deny the right to annex on account of our relations with Mexico, and those of Texas with the same power; and the committee believe it to have been shown that there is nothing either in the one or the other, to render the measure unjust or illegal.

It will be incomprehensible to those of future ages, that the United States government, founded as it was after a successful revolution, and by which the people gained their independence, should be so slow and tardy in aiding our own people in Texas in their struggle for freedom. It will scarcely be believed that when we have it in our power to incorporate them into this Union, and are warranted in doing so by the law of nations, we were blind enough to wait on a mere punctillio, and run the risk of either not acquiring Texas at all, or doing it after an infinite degree of trouble and cost.

Is there not danger that the Texans, if repulsed in their attempts to come into this confederacy, will in process of time be compelled to form alliances of some kind with other powers. And as the country shall grow in strength, increase in wealth and importance, and the government become firm and stable, that the Texans themselves will be adverse annexation?

We should then see the error of procrastination, and the value of the gifts we would not receive at their hands.

For the honor and prosperity of our country it is to be hoped that every exertion will be made by those in and out of public life, to carry out this measure.

While it is in our power, and to show the will of this State in an authentic and proper form, the committee herewith present, for the favorable action of the legislature, the following resolutions, instructing our Senators in Congress, and requesting our Representative to support every measure which has for its object the immediate annexation of Texas to the United States, well satisfied, as the committee are, that these resolutions embody the wishes of more than two-thirds of the people of Arkansas.

All of which is most respectfully submitted.

WM. W. FLOYD, *Chairman.*

M. T. SCOTT,

L. C. BLAKEMORE,

WM. B. MARSHALL,

A. B. GREENWOOD.